

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2005-CF-381

STEVEN A. AVERY,

Defendant.

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

MAY 30 2007

CLERK OF CIRCUIT COURT

DEFENDANT'S MEMORANDUM ON BRENDAN DASSEY STATEMENTS

Steven Avery, by his counsel, BUTING & WILLIAMS, S.C., by Attorney Jerome F. Buting, and HURLEY, BURISH & STANTON, S.C., by Attorney Dean A. Strang, hereby files with this Court a memorandum discussing, and attaching as exhibits, the statements Brendan Dassey, Avery's nephew, made to the police on February 27, March 1, and May 13, 2006. Avery believes these statements will be relevant at his sentencing hearing because the prosecutor has publicly indicated an intention to offer the recent Brendan Dassey conviction as evidence of Steven Avery's character.¹ Further, the PSI writer in this case also relies heavily on the one

¹Special Prosecutor Ken Kratz, April 25, 2007, post-verdict press conference in *State of Wisconsin v. Brendan Dassey*, Case No. 2006 CF 88.

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(1)

statement of Brendan that has been made public, apparently unaware that earlier and later recorded statements of Brendan told an entirely different story.²

Despite the jury verdict in his case, Avery denies that he killed Teresa Halbach or that he participated in any of the inculpatory acts contained within Brendan Dassey's various statements.

INTRODUCTION

The State chose not to introduce any of Brendan Dassey's statements at Avery's jury trial and has not previously supplied them for this Court to review. Instead, at broadcast news conferences on March 1 and March 2, 2006, the State presented only one version of the statements made by Dassey, and did so in a narrative fashion that distorted the content of the statement itself and the manner in which it was obtained.

Avery was not a party in the Brendan Dassey trial and had no say as to whether all or part of the police statements should be produced. Only a portion of one of Brendan's statements was introduced at Brendan's own trial. Three other statements were completely withheld from that jury. The isolated segment of Brendan's statement presented at his trial left an inaccurate picture of how his

²The PSI writer even goes so far as to consider the "fact" that Avery sexually assaulted Halbach as an aggravated factor justifying her harsh recommendation, when not only was there no evidence of a sexual assault introduced at Avery's trial, but the charge was actually dismissed before the trial began.

statements came about and whether or not they were truthful and reliable accounts of actual events. With this memorandum Avery attaches complete and accurate copies of the video or audio recordings³ of all police interrogations of Brendan Dassey on February 27, March 1, and May 13, 2006, together with police-prepared transcripts of each statement, so that this Court has a more complete picture of what Brendan actually said in each version, and how those statements were obtained by the law enforcement agents.

In addition, Avery attaches a report from Dr. Lawrence T. White, who is an expert on the issue of false or unreliable confessions and police interrogation techniques.⁴ Dr. White reviewed records of Brendan Dassey's level of mental functioning as well as all of the police recordings of their interrogations of Brendan.

Dr. White concludes:

[T]here are reasons to believe that Brendan Dassey's statements may not be wholly reliable or truly voluntary. Brendan is a vulnerable individual due to his low intelligence, poor memory skills, and passive demeanor. The police repeatedly pressured Brendan to provide them with details that conformed to their theory of the crime. Brendan's statements were often inconsistent, ambivalent, and self-contradictory. In sum, there are many reasons to question the trustworthiness and voluntariness of Brendan Dassey's so-called "confession."

Exhibit 1 at, p. 20.

³The first police recording on February 27, 2006, was obtained during an interview at the Mishicot High School, and is in audio format only. All remaining interviews were videotaped.

⁴A summary of Dr. White's proposed expert testimony was provided to the State on January 5, 2007, but because the State did not introduce Brendan's statements at Avery's trial he did not testify.

At the Brendan Dassey trial, the State introduced a portion of the videotaped interrogation of Brendan on March 1. For reasons unknown to Avery and his counsel, the parties jointly stipulated that the remaining approximately 40-minute segment of the video was not relevant and thus it was not played for the jury. As discussed further below, this segment showed Brendan had such a detached understanding of the police interrogation that he thought he could simply go back to school after having admitted raping, killing and mutilating the body of Teresa Halbach. This unplayed segment also contains Brendan's first recantation of the "confession" he had just given, when he is heard telling his mother (who had been brought into the room only at the end) "they got to my head." Barb Janda is then heard confronting Investigator Wiegert: "were you pressuring him?," which Wiegert denied. This exchange reveals that at the first contact with someone other than a police officer Brendan Dassey explained that the police "got to his head" to extract the statements on March 1. Brendan's jury never saw this portion of that interview.

Brendan's defense attorneys did try to introduce the February 27 and May 13 interrogations, but the state successfully fought to keep them from Brendan's jury. Thus Brendan's jury was not told that Brendan had undergone several hours of questioning just two days before March 1, during which he was threatened with prosecution and cajoled with promises that the police would not leave him "high

and dry" if he told them what they wanted to hear, that the police believed Steven Avery was responsible for Teresa Halbach's death, and that Brendan was not at fault at all, and that Brendan was told by his interrogator that he "could make it look however you want."

Also absent from the Brendan Dassey trial was any expert opinion about the specific interrogation techniques the police used against Brendan. The single expert called by the defense, Dr. Gordon, was only qualified by the court to discuss Brendan's intellectual limitations and to express an opinion about his suggestibility. He did not offer any testimony about the coercive nature of the interrogation techniques used. Avery's expert, Dr. White, on the other hand, has been qualified in other cases to discuss the psychological effect of such interrogation practices, and he was prepared to do so in Avery's trial if Brendan had testified.

Dr. White points out in his report that studies have shown that false statements can be produced *either* because an individual is psychologically vulnerable *or* because the police employ psychological pressure techniques during an interrogation. See Exhibit 1, at 3. Most importantly, however, Dr. White also notes that studies show that false statements "are especially likely when a vulnerable individual is subjected to psychological pressure by police investigators." (*Id.*) Thus the combination of *both* factors increases the risk that a false confession may result.

That is precisely the circumstance in this case, where Brendan Dassey, a vulnerable, intellectually limited juvenile with no experience with the criminal justice system, was subjected to expert police interrogation techniques specifically designed to create psychologically stressful situations and to increase suggestibility and compliance to the demands of authority figures. Exhibit 1 at 4. Dr. White would have described for the jury the "Reid Technique" and its modern variants, which was the type of interrogation employed by the police against Brendan Dassey. Dr White reports:

There is widespread agreement among social scientists that modern interrogation techniques are remarkably effective in eliciting true confessions from guilty suspects. Unfortunately, these techniques are so powerful that they can sometimes induce innocent suspects to make unreliable statements or even to confess to crimes they did not commit.

Exhibit 1, at 7.

Thus the Brendan Dassey jury not only did not hear all of the statements that Brendan made to the police so it could judge fully what he said and how they came about, but they also were deprived of the kind of expert testimony necessary to assist them in understanding how certain police questioning techniques may have affected the reliability of what Brendan told the police, and indeed whether any of his various statements were "false confessions."

Not only was the Brendan Dassey jury deprived of the full picture of Brendan's statements, the State actually manipulated the evidence presented so as

to present a factually contradictory theory of the crime. The State avoided any mention of Brendan's other statements at other times, including his later May 13 statement in which he changed the very site of the murder after forensic test results disproved the truthfulness of the March 1 story. By entirely avoiding Brendan's May 13 statement, the State argued that Brendan's March 1 statement was the truth as to how and where Halbach was killed. The State sold that bill of goods to Brendan's jury knowing that just one month earlier they had argued a very different theory to Avery's jury.

The State argued to Avery's jury that, contrary to Brendan's March 1 story, Halbach was killed *in the garage*, and that "only one man" was responsible for her death – and that man was Avery. Yet to Brendan's jury the State argued that Halbach was stabbed and *killed in Avery's bedroom*, according to Brendan's March 1 statement, and that *both* Avery and Brendan were responsible for her death. The State's duplicitous and inconsistent arguments violated both defendants' due process rights and ought to give this Court pause as to the integrity and credibility of this whole prosecution.

Several courts have found a violation of due process when the prosecution argues two inconsistent theories to separate juries in co-defendants' cases. In *Thompson v. Calderon*, 120 F.3d 1045, 1058-59 (9th Cir. 1997) (en banc), *vacated on other grounds*, 523 U.S. 538, 118 S.Ct. 1489, 140 L.Ed.2d 728 (1998), the court found a

violation of due process when the state argued at Thompson's trial that he alone committed a murder, while arguing at a subsequent trial that another defendant actually committed the same murder. Similarly in *Smith v. Groose*, 205 F.3d 1045, 1049 (8th Cir. 2000), the court found a violation of due process where the prosecution used one statement of a witness and argued it was the "truth" in the trial of one defendant, then offered a contradictory statement of the same witness as the "truth" in a subsequent trial of a co-defendant. "In short, what the State claimed to be true in Smith's case it rejected in [the co-defendant's] case, and vice versa." *Id.* at 1050. The Eighth Circuit found that tactic to be a "foul blow," and reversed the conviction while noting that the state's "duty to its citizens does not allow it to pursue as many convictions as possible without regard to fairness and the search for the truth." *Id.* at 1051.

The State argued to Brendan's jury that they should believe the March 1 story to be true because it contained so much detail, some of which apparently fit the facts. But as will be seen below, much of the important detail that did match any of the case facts was actually supplied to Brendan by the interrogators in their leading and suggestive questions. Many other "facts" contained in the March 1 statement were disproved by forensic evidence from the crime lab. This includes the lack of any hair, blood or DNA evidence in Avery's bedroom or trailer that would have been left from the brutal, bloody stabbing and throat-slitting Brendan described, the

absence of Halbach's DNA on handcuffs which did contain the DNA of Avery and another person (not Brendan) and thus could not have simply been wiped clean, and the absence of any scratch marks on the bed's headboard which one would expect were a strong, healthy 25-year old woman truly shackled to the bed and struggling for her life.

The State also argued, incorrectly, to Brendan's jury that Brendan supplied specific detailed facts that only the real killer would have known. Most prominently, the prosecutor argued that Brendan volunteered the information that Avery had gone under the hood of the RAV-4 to do something, and later a DNA test of the hood latch showed Avery's DNA.⁵ The prosecutor told the jury that only if Brendan had actually seen Avery do that would he have known to say so, and that later tests corroborated the truth of his statement. However, the actual recordings of the interrogations reveal that Brendan did *not* volunteer that information. Brendan said nothing whatsoever about Avery supposedly going under the hood of Halbach's vehicle until it was specifically suggested to him by the questioner.⁶

⁵The evidence produced at Avery's trial explained how that DNA result may have been obtained because one crime lab investigator checking the blood splatter evidence inside the Halbach vehicle, where Avery's blood was claimed to have been planted, moments later opened the hood by use of the same hood latch without first changing the gloves he had been using inside the vehicle.

⁶See p. 603: "FASSBENDER: That's not what I'm thinking about. He did something to that car. He took the plates and he, I believe he did something else in that car. (pause) BRENDAN: I don't know. FASSBENDER: OK. Did he, did he, did he go and look at the engine, did he raise the (continued...)

A complete review of all the taped interrogations reveals all of this and much more that explains why Brendan confessed to something he did not do. Because the jury in Brendan's trial did not hear most of Brendan's statements or the full context of how they came about, this Court cannot simply rely on that jury's conviction to conclude at Avery's sentencing that he did any of the things Brendan described.

BACKGROUND

Teresa Halbach, a 25-year old photographer, disappeared between October 31 and November 3, 2005, when her family reported her missing. The media was notified of her missing person status and cooperated with a widespread request for assistance. As early as November 3rd, it was reported that she had visited the Avery Auto Salvage on the afternoon of October 31. Steven Avery was later interviewed in television reports admitting that she had been to the property to photograph a vehicle for Auto Trader magazine, but saying that she had left after a brief visit.

On Saturday, November 5, 2006, Halbach's Toyota RAV-4 was found partially concealed by branches and an automobile hood on the Avery Auto Salvage property, in the corner of the 40 acre parcel farthest away from Steven Avery's residence. A massive search and investigation ensued involving more than one hundred law enforcement officers. Halbach's blood was identified in the rear of her

⁶(...continued)
hood at all or anything like that? To do something to the car? BRENDAN: Yeah."

vehicle and Steven Avery's DNA was found in several small blood spots or smudges in the passenger compartment of the RAV-4. Charred human remains were discovered in a burn pit behind Steven Avery's garage, which were later identified as very probably Teresa Halbach's.

On November 15, 2005, Steven Avery was charged with the murder and mutilation of Halbach's body. He was questioned by police several times and admitted meeting with Halbach when she took the photograph of his sister's van, but denied any wrongdoing in her disappearance or death.

An unprecedented amount of publicity surrounded the case, including detailed reporting of the facts alleged in the complaint. At a preliminary hearing on December 6, 2005, which was televised live, numerous additional facts were made public, including a photograph of the RAV-4 depicting its condition when found, with branches and a junk car's hood propped against it (*Prelim. Trans., Dec 6, 2005*, at 35), the fact that its license plates had been removed and located in another junk vehicle elsewhere on the Avery Salvage property (*Id.* at 36-37, 56), and that Avery had a cut on his finger about the same time as Halbach's disappearance (*Id.* at 42).

The law enforcement investigation in Steven Avery's case continued in the months after his arrest, yet nearly four months later the State was faced with gaping holes in its case against Avery. Despite a full week of searches, no DNA of the victim had been found anywhere inside Steven Avery's trailer residence or detached

garage. A key which operated the RAV-4 was found in Avery's bedroom, but suspiciously not until the seventh search of his residence. None of Halbach's DNA was found on the key itself. No murder weapon had been found. Indeed the manner of Halbach's death was still unknown.

The State theorized that the small spots of Avery's blood in the RAV-4 came from a cut on Avery's finger. Yet Avery's fingerprints had not been found anywhere in or on the Halbach RAV-4. It seemed unlikely that he could have been wearing gloves so as to avoid leaving fingerprints, yet managed to leave blood from a cut (and gloved) finger. Further, other unidentified latent fingerprints *were* found on Halbach's vehicle.

In addition, although the majority of the victim's charred remains that were discovered were located in the burn pit behind Avery's garage, some of her charred remains were also found inside one of four burn barrels 300 feet away, behind the Janda/Dassey residence. Other possible remains of the victim were found about one quarter mile away in a quarry.⁷ This raised the question of whether Halbach's body was burned on Steve Avery's property or elsewhere, and then dumped in his burn pit to incriminate him.

⁷Those remains were never positively identified as the victim's, but they did appear to be human pelvic bones and they exhibited the same degree of charring as did the remains found in the burn pit and burn barrel.

Also troubling to the State's case was that Avery had no apparent motive to kill Teresa Halbach. Avery had publicly denied wrongdoing and argued that he was being framed by the Manitowoc County Sheriff's Department because of a \$36 million civil suit he had filed for his wrongful conviction and 18 years of imprisonment. Nearly 4 months later, at the end of February, 2006, many people both inside and outside Manitowoc County believed Steven Avery was innocent of the Halbach murder. The State desperately needed a confession to shore up the case against Avery, but Avery was unavailing.

The law enforcement investigators then went after young Brendan Dassey, a 16-year old nephew of Avery's with limited mental functioning and special education needs. Brendan was interviewed early in the investigation and provided nothing helpful to the State. To the contrary, Brendan was a partial alibi witness for Steven Avery, and thus was a likely target for a thorough interrogation effort. If Brendan could be persuaded to say something incriminating against Avery, his value as a defense alibi witness would be destroyed and the case against Avery significantly strengthened. The efforts began on February 27, culminating in the March 1, 2006 confession tape which was partially played at Brendan's jury trial last month.

BRENDAN DASSEY INTERROGATIONS

1.

February 27, 2006, Mishicot High School

On Monday, February 27, 2006, Special Agent Tom Fassbender and Calumet County Investigator Mark Wiegert went to Brendan's high school and pulled him out of class to talk. The interview took place at the Mishicot High School and was audio tape recorded.

The investigators began by reminding Brendan that he had admitted in a prior statement that he was at a bonfire with Steven Avery behind his garage on October 31, 2005. Fassbender told him "we believe that's where Teresa was cooked," (p.441). He asked Brendan if he saw "any body parts." (p. 442). Fassbender said, "I gotta believe you did see something in the fire." (*Id.*).

Fassbender then presented Brendan with a clear threat of prosecution:

[W]e've got people back at the sheriff's office, district attorney's office, and their [sic] lookin' at this now saying there's no way Brendan Dassey was out there and didn't see something. They're talking about trying to link Brendan Dassey with this event. They're not saying that Brendan did it, they're saying that Brendan had something to do with it or the cover up of it which would mean *Brendan Dassey could potentially be facing charges for that.*

(*Id.*) (emphasis added). Fassbender suggested to Brendan perhaps Steve go him out there to help build a fire and maybe he "inadvertently saw some things." (*Id.*). Fassbender claimed they could tell something "heavy" was bothering Brendan and

that's why they came to talk. (p.443). He then repeated the threat of prosecution and gave Brendan *carte blanche* to make up a story they could accept:

[S]ome people don't care, some people back there say no we'll just charge him. We said no, let us talk to him, give him the opportunity to come forward with the information that he has, and get it off of his chest. Now make it look, *you can make it look however you want . . .*

(*Id.*) (emphasis added). The two investigators then used a "false friend" technique and promised they would help him if he talked:

FASSBENDER: Mark and I, yeah we're cops, we're investigators and stuff like that, but I'm not right now. I'm a father that has a kid your age too. I wanna be here for you. There's nothing I'd like more than to come over and give you a hug cuz I know you're hurtin'. Yes I do wanna give justice to, to this and to the Halbachs too. You wanna tell me what you saw and what you heard, cuz I know that something is, its intensely bothering you. Talk about it, we're not just going to let you high and dry, we're gonna talk to your mom after this and we'll deal with this, the best we can for your good, OK? I promise I will not let you high and dry, I'll stand behind you.

WIEGERT: We both will Brendan. We're here to help ya.

(*Id.*). Brendan did not immediately take the bait, but the investigators continued to suggest that perhaps he saw a hand, a foot, her bones or something in the fire. (p.444).

Brendan tried to explain that the only thing bothering him was that Steve was in jail (p.440-41) and that his girlfriend had broken up with him (p. 445-46), but that explanation was rejected. The investigators told Brendan that "Steve doesn't care

about you right now. He cares about himself," and "he left you to hang out to dry," and that he was "using your love, and taking advantage of that." (p.447).

The investigators continued to pressure Brendan with suggestions about what they believe he must have seen in the fire ("a hand, or a foot, a head, hair, something"), and again reminded him of the threatening prosecutor who was waiting to hear from them:

Mark and I can go back to the district attorney and say, ah, . . . Dassey . . . came forward and finally told us. Can you imagine how this was weighing on him? They'll understand that.

(p.448). Both repeated their promises that they would "go to bat for ya, but you have to be honest with us,"⁸ implying that the investigators would accept as the truth only what *they* believed happened: "I promise you I'll not let you hang out there alone, but we've gotta have the truth. The truth is gonna be terrible . . ." (*Id.*).

The investigators then began to use a tactic which was frequently employed in all of their sessions with Brendan. They would often suggest one or two answers in their questions, then get Brendan to adopt the suggestion as his own. For instance, Brendan began to discuss some clothing that he saw, which Avery had obtained from his garage. He never mentioned any blood on the clothes until the officers first

⁸It should be noted that the very promise to "go to bat" for a suspect has been held to be an improper inducement by an interrogator by several courts. *Hillard v. State*, 286 Md. 145, 153, 406 A.2d 415 (Ct. App. 1979) (held confession suppressed because improper inducement made by officer that "if you are telling me the truth . . . I'll go to bat for you."); *People v. Ruegger*, 32 Ill App 3d 765, 771, 336 N.E.2d 50 (Ill App. 1975) (improper inducement for officer to promise to "go to bat for you" on matters like recognizance bond or probation if confessed).

suggested it: "Was there blood on those clothes? Be honest Brendan. We know. We already know you know. Help us out. Think of yourself here. Help that family out. It's gonna be all right, Ok. Was there blood on those clothes?", to which Brendan responded "[a] little bit." (p.449).

Numerous other examples of this tactic will be found throughout the interrogations, such that very little of what Brendan said actually originated with him. This is especially true, as will be shown below, as to those very few facts which were not already a matter of public record but as to which there was corroborating evidence that only the true perpetrator - or the police - would have known. Brendan was unable to supply that sort of information until the answers were suggested to him by the questioner.

Brendan was reassured again that "its not your fault," and that "this could help you." (p. 451). He never said that he saw any body parts in the fire until the interrogator repeatedly suggested that he must have: "you saw some body parts. . . Did you see part of the arm, the legs . . . part of her head? Skull?" (*Id.*). After Brendan began to adopt his suggestions, Fassbender reviewed what he got Brendan to say he saw in the fire: "toes, fingers, parts of hand and feet . . . stomach area." (*Id.*) Fassbender then employed another frequent tactic in which he suggested that Brendan was holding back particular facts: "I find it very hard that you didn't see

a skull or the head. Did you see part of the head or face or skull?" Predictably, Brendan responded that he "somewhat" saw her forehead. (*Id.*).

After reassuring Brendan that "you've done nothing wrong," the investigators then expanded the questioning from observations Brendan may have made to actual assistance he gave Avery in disposing of the body: "Did you help him put that body in the fire? If you did it's OK." (p. 453). Brendan did not immediately take that bait, either, but would eventually.

Later the investigators suggested that they had superior knowledge that Brendan and Avery talked about the body Brendan had seen: "Now I-I've been told that you and STEVE talked about the body in there, OK, that's what I was told, and I believe that. You guys did talk about it didn't ya?" (p. 456). Brendan said "yeah" but could not really articulate much of what Avery said about how or why he did it. Later, Brendan told the investigators that Avery told him he tied Halbach up and stabbed her in the jeep, and that he "tried to cover it with branches, a car hood."⁹ (p. 458-59). The investigators obviously knew there was no evidence of a stabbing taking place in the jeep, so they introduced to Brendan, for the first time, the idea of shooting as a manner of death: "Did he say anything about shooting her. Tell me

⁹The partially concealed condition in which the RAV-4 was found was not information only the killer could have known, as it was freely disclosed at the preliminary hearing and in the media.

again how he said he killed her." (p.459). Brendan, again, did not accept that suggestion at first, but in later interviews, after the seed had been planted, he did.

To try to answer the imponderable question of why Steven Avery would have killed Teresa Halbach and risked returning to prison when he was very likely about to come into a large amount of money from his civil suit, the interrogators introduced the idea of a sexual assault to Brendan in suggestive, leading questions: "Did he try to have sex with her or anything and she said no and . . . Did he ever tell you that, its very important, OK cuz we had heard that he might have told you that." (p. 461-62). Once again Brendan did not immediately adopt that suggestion, but later would do so.

They also managed to get Brendan to say that Avery told him that he cut his finger, first on some glass in the garage (p.462). Then he later changed that in response to another leading and suggestive question: "He said that he cut himself, while he was stabbing her? Yes or no," to which Brendan replied "Yes." (p.463). The fact of Avery's cut finger was, again, a matter of public record, having been revealed in the preliminary hearing, and on television footage of Avery himself, and thus could not corroborate the truthfulness of Brendan's statement.

Following a short break, the investigators suggested Brendan write out a statement in his own handwriting, but they had to greatly assist him in that task, even spelling simple words like "agent" and "detective" for him. (p.469). Although

professing that "its totally up to you how you want to do it," the investigators suggested how he should start the statement and what he should include in it. (*Id.*).

See also p. 470: "there are some things that we feel you should probably add to your statement, but that's up, that's up to you," and p. 471: "You told us that he talked to you about not talking and that he threatened you. That would probably be a good thing to add to your statement if you'd like."

Fassbender concluded that first interview with several gratuitous statements congratulating Brendan and providing positive reinforcement:

Brendan, before I neglect to do this, I want to say that I'm extremely proud of you and what, what you did had to be very, very difficult and you're one hell of a kid because that had ta be the hardest thing you probably ever done in your life and I don't know if I could even feel what you hadda just do and I, I truly believe you're one hell of a kid. And you need to believe that too, okay, no matter what anyone says.

(p. 477).

When that interview concluded Brendan was allowed to return to his eighth period class at the high school. Later it was decided that a second "sew-up" interview should be conducted that day, this one videotaped. So arrangements were made to conduct the second interview at the Two Rivers Police Department.

February 27, 2006, Two Rivers Police Department

The "sew-up" confession¹⁰ interview by Fassbender and Wiegert was conducted at the Two Rivers Police Department in a room with videotaping capability. Interestingly, Wiegert began by asking him a number of questions usually used with very young or immature children to determine if they know the difference between the truth and a lie. Such children require careful questioning to ensure that the interviewer does not inadvertently (or deliberately) lead the witness to say inaccurate or false things by suggesting particular answers. This more open questioning technique was later abandoned, as Wiegert frequently shaped Brendan's statement by asking leading questions which suggested particular answers.

Brendan was also told at the beginning of this interview that if he was asked something that he did not know the answer to, he should just tell them "I don't know." However, throughout most of the interviews with Brendan, the agents did

¹⁰A "sew-up" confession may be found to be impermissible if police detain an individual a sufficiently long period of time to decide whether to charge or release him, but still interrogate further. It has been held that if the "purpose of the interrogation was to "sew up" the case by obtaining a confession or culpable statements to assure a finding of guilty," it is impermissible. *Briggs v. State*, 76 Wis.2d 313, 324, 251 N.W.2d 12, 17 (1977).

not accept many "I don't know" answers. Instead they continually pressed Brendan while supplying him cues as to the answers they really sought.

Brendan was told that he was being re-interviewed "about what you had initially told us earlier." (p. 484). Brendan told them he got off the bus at 3:45 p.m. and saw "a jeep down by our house." (p. 486). He walked home and played Playstation for a number of hours, and then ate. In this story Brendan said he did not get a call from Steven Avery until 8:00 p.m., when Steve asked him to come over for a bonfire. Brendan agreed, and at about 9:30 p.m. he accompanied Steve on a golf cart locating wood and other items to put on the fire. Brendan claimed the fire was already going and he saw a toe, forehead and belly of a person in the fire, which simply repeated the story Brendan had eventually been prevailed upon to describe at the high school interview session. (*Id.*) With the exception of Brendan's claim that he saw parts of an intact body in the fire, his reported observations did not contain information not already known and talked about with other Avery family members as well as Avery himself.

In this version, Brendan denied that he had anything to do with the disappearance of Halbach, or that he stabbed her or helped put her body in the fire. He claimed that Avery saw him notice the body in the fire and "threatened me a little bit . . . [t]hat he would, he would stab me" if Brendan told anyone. (p. 491). He also claimed that Avery told him that he "tied her up in the jeep thing and stabbed

her in the stomach," and put the knife under the seat (p. 492).¹¹ Wiegert asked Brendan where the jeep was when Avery supposedly stabbed her and he said "down in the pit."¹² (p. 498). Brendan claimed that Avery told him he moved Halbach's body out of the salvage yard pit to the burn area behind his garage with his snowmobile sled, an allegation never corroborated by the investigation. (p. 491-92, 498). When asked whether Avery ever told him why he did this to Teresa, Brendan said, "[b]ecause he was angry, that he had to take it out on someone," but he never said who he was angry with or why Halbach was the victim.(p. 493). He also said that Avery never told him anything about sexually assaulting Halbach or that he had any desire to do so. (p. 495-96).

After a break in the questioning, Fassbender tried to get Brendan to provide some motive for Avery to have killed Halbach. He asked Brendan again whether Avery ever told him who he was angry with, and suggested that perhaps Avery was angry with his girlfriend, Jodi. Brendan did not take the bait this time, but once again, in a later interview he would adopt the police officers' peculiar theory of anger transference. *See* May 13 interview at p. 815.

¹¹A search of the RAV-4 revealed no knife or any evidence that a person had been stabbed inside the vehicle. No knife has ever been found anywhere that was linked to Halbach's death. The cause of death was later determined to be a gunshot to the head, about which Brendan said nothing in this interview.

¹²The term "pit" was used to describe the area of the Avery Salvage Yard where the land was depressed from former quarry operations and in which the salvage vehicles were stored.

Fassbender: OK. Has Steven said anything to you about her [Jodi] in any relation to what he did?
Brendan: No.
Fassbender: No. Do you know if she knows that he did this?
Brendan: No.
Fassbender: Has he blamed her in any way?
Brendan: No.
Fassbender: I'm trying to understand what he might have been mad about. Do you have any idea what he was angry about that day?
Brendan: No.
Fassbender: Did you ask him?
Brendan: No.

(p. 501-02).

Shortly after that Investigator Wiegert caught Brendan in an inconsistency. Brendan had earlier told them that on October 31 he helped Avery move into his garage a gray Suzuki jeep that had been located outside on the side of the garage. (p. 501). Later, however, he told them that the next day Steve was working on "his Monte [Carlo]" which was located inside the garage. (p. 506).

Wiegert: How did the Monte get in the garage?
Brendan: Well it drives, drive, you can drive it.
Wiegert: I thought you told us before that the Suzuki was in the garage. You helped him push it in there.
Brendan: He had to fix somethin' on it.
Wiegert: So where was the Suzuki when he was working on the Monte?
Brendan: Probably outside.

(p. 506). Wiegert knew the Suzuki was inoperable and would have had to be physically pushed in or out of the garage by two people. Brendan offered no reason why Steve would have moved the Suzuki into the garage on October 31, then take it back out the very next day, or how Avery could have been accomplished that

without assistance. But he never pursued this inconsistency in Brendan's story any further.

Wiegert instead turned Brendan's attention to the cut on Avery's finger that Brendan had mentioned in the previous audio recorded interview. Brendan told him that he saw a "scratch" on Avery's "pointer finger." (p. 508). In fact, the cut on Avery's finger was on his middle finger, but Wiegert did not press Brendan about that discrepancy. More curious was Brendan's story this time about how that "scratch" came to be. In the Mishicot High School interview Brendan first said Avery told him he cut his finger on glass in the garage (p. 462). But with leading questions from the agents, Brendan changed his story to say that Avery told him he cut himself while stabbing Halbach (p. 463). In the Two Rivers interview, Brendan changed the story again to claim Avery told him he was cut by Halbach scratching him during a struggle while he was trying to tie her up (p. 508). The agents accepted this inconsistent story without challenging Brendan.

The agents ended this session with positive reinforcement:

- Fassbender: I know this was very difficult and you're a brave boy for doing what you did.
Wiegert: Is everything you told Agent Fassbender and myself the truth?
Brendan: Yeah.
Wiegert: Did you lie at all during this conversation?
Brendan: No.
Wiegert: Have you lied to us all about anything you told us?
Brendan: No.
Wiegert: I appreciate you being honest, all right?

(P. 511-12). Brendan was then rewarded with a free stay at the Fox Hills Resort in Mishicot for the night. Wiegert arranged for Brendan's mother and brother to stay with him at the resort, along with Calumet Sheriff's Department Sgt. Tyson. Besides being a reward for Brendan, who now appeared to be the "star" witness for the prosecution, the Fox Hills Resort placement had the benefit of isolating Brendan from other family or friends while the investigation proceeded.

While Sgt. Tyson was with Brendan at the resort he was directed by other investigators to ask Brendan certain followup questions. In particular, Brendan was asked whether he saw Avery's burn barrel burning at all on October 31, and Brendan replied that he did not recall that. Brendan was also asked if he ever saw Avery shoot a .22 caliber firearm, and he answered that he had not. Investigators would question Brendan more aggressively about that in the next interview, because they had learned from forensic examiners new information that Teresa had been shot with .22 caliber ammunition. That was information that was unknown to the public, so if Brendan could volunteer that knowledge the investigator's would finally have concrete corroboration of his story. Unfortunately for the agents, Brendan could not do so, and out of frustration Wiegert came out and asked Brendan a loaded question which revealed she had been shot in the head - which thereby destroyed any independent corroborative value in Brendan's subsequent admissions about the shooting.

March 1, 2006, Manitowoc County Sheriff's Department

On Wednesday, March 1, 2006, Fassbender and Wiegert took Brendan out of the high school and drove him to the Manitowoc Sheriff's Department for another interview. The agents conveyed to Brendan a clear message that although he was "the good guy" and that they "would go to bat" for him, his prior story wasn't good enough for them to do so. Brendan was told he had to *make himself look worse* in order for his story to be believed, but that he did not need to worry about what he said or how he looked because they were "in his corner" and they could set him free if he was "honest" - meaning that his story conformed to their theory of the crime.

The interview began with Wiegert reading Brendan his *Miranda* rights (p. 526), but when they arrived at the sheriff's department Fassbender undercut that warning by implying that anything Brendan said would not be used *against* him, but rather that he was safe from harm because "both Mark and I are in your corner, we're on your side." (p.540). He reminded Brendan that he previously had told them one reason he did not come forward earlier was the fear that "people would say you helped or did this." (*Id.*). He then told Brendan that "[o]ne of the best ways" to avoid that was to tell the agents things "against your own interest" that "might make you look a little bad or make you look like you were more involved." (*Id.*). Fassbender told Brendan such admissions against his interest would really be "good from the

vantage point to say hey, there's no doubt you're telling the truth because you've told the whole story." (*Id.*).

Fassbender explained to Brendan that they were back interviewing him because after reviewing his prior stories "there's some places where some things were left out or maybe changed just a bit ta, to maybe lookin' at yourself to protect yourself a little." (*Id.*). But he also reassured Brendan that "you don't have to worry about things" because they knew what Steven did and "what happened to you when he did." (*Id.*). He made it clear that the agents were looking for a better story, one that *they* could be comfortable with and that "I think you're gonna be a lot more comfortable with that. It's going to be a lot easier on you down the road." (*Id.*).

Wiegert then introduced a theme he used for the rest of their interviews with Brendan: all they want is "honesty" – but "honesty" as *they* define it.

Wiegert: Honesty here Brendan is the thing that's gonna help you. OK, no matter what you did, we can work through that. OK *We can't make any promises but we'll stand behind you no matter what you did.* OK Because you're being the good guy here. You're the one that's saying you know what? Maybe I made some mistakes but here's what I did. The other guy involved in this doesn't want to help himself. All he wants to do is blame everybody else. OK And by you talking with us, its, its helping you. OK? Because the honest person is the one who's gonna get a better deal out of everything. You know how that works. (Brendan nods "yes").

Brendan: mm hm. (Nods "yes").

Wiegert: You know. Honesty is the only thing that *will set you free*.

(p. 541) (emphasis added).¹³

¹³Although the agents deny they can make any actual "promises" to Brendan in return for (continued...)

The agents then directed Brendan to some prior (unrecorded) conversation¹⁴ they had with him in which he described helping Avery "cleaning up stuff." (*Id.*). Brendan explained that while working on his car Avery had poked a hole in something which caused it to leak and that Brendan helped him clean up the mess. (p 542). That evidently did not fit the agents' theory so the subject was changed to what he saw when he got off the bus. But when Fassbender asked Brendan what Teresa was wearing when he saw her outside Avery's trailer Brendan guessed incorrectly (white shirt with red shorts). The agents quickly attributed that to simply failed memory, and instructed him not to guess when he did not recall. Especially when it came to easily verifiable facts, better that Brendan not "make anything up" (p. 544), than that he guess incorrectly and expose his entire story to a credibility challenge.

However, when Brendan also told them several other facts which did not fit their theory, the agents became more confrontational. Brendan said he went over to

¹³(...continued)

his cooperation, they repeatedly imply otherwise, as in this segment of the interview. They repeatedly told Brendan they would not leave him "high and dry" and they would "go to bat" for him. But when they didn't accept what he told them the message could not have been clearer: the "promise" to go to bat for him was conditioned on Brendan telling them a story they wanted to hear.

¹⁴This conversation was not recorded, in contravention to the rule in *In re Jerrell C. J.*, 2005 WI 105, ¶ 58, 283 Wis.2d 145, 699 N.W.2d 110, which requires that all custodial interrogation of juveniles "shall be electronically recorded where feasible, and without exception when questioning occurs at a place of detention."

Avery's garage about 6:30 p.m. on Halloween night and Avery's Monte Carlo vehicle was in the garage and the big overhead garage door was open. That would not have been possible if, under the agent's theory, Halbach's RAV-4 was hidden in the garage. Brendan also said the fire in the burn pit had not yet been started. The agents cut Brendan off, told him they would not accept his story and threatened they would no longer "go to bat" for him, unless he changed his story.

Fassbender: OK. We're not gonna go any further in this cuz we need to get the truth out now. We know the fire was going. We know that he had already had his altercation with Teresa. We don't believe there's a Monte in there. I talked to ya the other night and you said nothing about Monte you said nothing about something getting punctured and leaking out. We talked about cleaning somethin' up in that garage. You told me you thought thinking back now there was blood. It was red in color plus you're at your house. You said six, six-thirty, I'll go that far with ya it might even have been earlier. What's going on? Lets take it through honestly now. (Brendan nods "yes").

Fassbender: We don't get honesty here, I'm your friend right now, but I gotta I gotta believe in you and *if I don't believe in you, I can't go to bat for you.*

(P. 547) . The agents also began to emphasize that they had a false superior knowledge, that they "already knew" what happened but had to hear it from him.

Brendan got the message and began to follow their cues to the answers they wanted so they could "believe" in him enough to stay "in his corner."

He told them the fire was started when he went over and "the jeep was still in [the garage]." Wiegert asked "who's jeep?" and Brendan told them it was Avery's Suzuki jeep, but they rejected that response. They repeated the question and

Brendan finally replied, "her jeep," meaning Teresa's RAV-4. (p.548). He went on to say that Avery showed him the knife and rope and that he saw Halbach's dead body in the back of the jeep. (p. 550). At first he denied helping put her in the jeep or touching her, but then Wiegert re-assured him that "[i]f you helped him its OK, because he was telling you to do it. You didn't do it on your own." (p. 552). Prompted by their cues, Brendan gradually began to describe more and more involvement. He said he helped move Halbach's body from the rear of the jeep to the burn pit by use of an auto creeper¹⁵ (p. 557). He said that Avery told him he stabbed her once in the stomach and Brendan claimed that he saw a bloody wound in her stomach.

Wiegert and Fassbender implied that something else was done to Halbach because "[w]e've got enough of her to know some things that happened to her. So tell us the truth." (p. 560). Brendan then claimed that Avery admitted he raped her and that she tried to get away but he was too strong. He claimed he did not know where that happened. The agents told him they still did not believe he was not more involved, and suggested he "was there when this happened." (p. 561).

Wiegert: We already know Brendan. We already know. Come on. Be honest with us. Be honest with us. We already know, its OK? We gonna help you through this, alright? (Brendan nods "yes") Tell us, how do you know that?

¹⁵Forensic test found none of Halbach's DNA on the creeper.

Brendan then began to piece together a story they would accept, apparently guessing what answers they were looking for. When something he said was rejected by the interrogators, he changed it as necessary until they accepted an answer and gave him positive feedback such as "now I can start believing you, OK?"(p. 570). Brendan relied on their threat that they would go to bat for him only if they "believed" him, and that it was okay to admit that he was personally involved (even if that was not true) because that would make the police more likely to believe his story.

It is significant that the story the State relied on to convict Brendan at his trial was never told by Brendan in a long narrative (contrary to the impressions left by the State in their notorious March 1 & 2 news conferences) and despite its horrific nature Brendan displayed no emotions as he answered their questions. That is because the story he was compelled to say did not really happen; it was no more a reality for Brendan than a Playstation game.¹⁶ The story was pieced together gradually with key suggestions and leading questions presented by the interrogators. Dr. Lawrence White notes in his attached report that the police "used repeated and persistent questioning to shaped Brendan's responses" and led him

¹⁶Indeed, several family members will attest that Brendan's story that he slit Halbach's throat was especially contrary to Brendan's reality. Brendan did not even have the guts to dress a deer himself, and became physically sick at the sight of someone doing that to a dead animal, much less slitting the throat of a live human being.

to report specific details that conformed to their theory of the crime. (Exhibit 1, at 14-15).

First Brendan said he got the mail and heard screaming, but he did not go to Avery's trailer, instead he returned to his own house and watched TV. The interrogators rejected that story and suggested "I think you went over to his house and then he asked him [sic] to get his mail, somethin' in here is missing." (p.565). Brendan accepted this suggestion and changed his story to say that he went over to Avery's trailer to deliver a piece of mail and then left and went home. Again, Wiegert challenged him and suggested "Be honest. You went inside, didn't you? (Brendan nods yes") (*Id.*). Once again Brendan accepted the suggestion as well as another immediately thereafter when Wiegert assumed that Halbach was inside the trailer and asked Brendan, "OK and where was she?" (p. 566). Brendan replied that she was "in his room," naked and handcuffed (both legs and feet) to the bed. (P. 566-67). Fassbender showed his pleasure at the tale Brendan began to tell ("you're getting there OK," p. 567) and Wiegert repeated the theme of the superior knowledge of the police ("Brendan, I already know. You know we know." p. 568). They asked what Avery supposedly told Brendan and he eventually replied that Avery wanted to get "some pussy." (p. 570). This quite obviously fit with the police theory of the crime, and Fassbender rewarded Brendan by saying, "[n]ow I can start believing you, OK? (Brendan nods "yes")." (*Id.*). Fassbender responded with

increasing approval when he got Brendan to describe the words Avery supposedly said:

Fassbender: What kind of words is he use, using though? You can say those words here.
Brendan: That he wanted to fuck her so hard.
Fassbender: Yeah.

(p. 571) (emphasis added). Wiegert and Fassbender took turns shaping Brendan's story so that he would eventually admit that he sexually assaulted Halbach while she was chained to the bed with "silver" handcuffs.¹⁷ They did so while lying to Brendan that he was not to blame if he did rape Halbach:

Fassbender: What does *Steve* make you do?
Wiegert: It's not your fault, *he makes* you do it.

(p. 574) (emphasis added).

Next, the police got Brendan to say that Avery killed Halbach and that he was present: "Brendan, be honest. You were there when she died and we know that. Don't start lying now. We know you were there. What happened?" (p. 578). But, they needed Brendan to describe a killing method that fit with their theory of the crime. He would prove unable to do so.

¹⁷ A pair of silver handcuffs and leg irons were found in a search of Avery's bedroom, but DNA tests proved none of Halbach's DNA was on them. However, DNA from Avery and another unknown individual was found on the handcuffs, which indicated that Halbach's DNA was not absent simply because they had been cleaned. This was one of numerous objective facts that disproved the truthfulness of Brendan's story, and the police used his later interview on May 13 to try to get him to change his story enough to fit the facts they had since learned.

The investigation had uncovered a number of bone fragments believed to have come from Halbach, but most of the cremains recovered revealed no specific type of injury that gave a clue as to how she was killed. But, on the day before the March 1 interview with Brendan, the investigators received forensic evidence that Halbach had been shot in the head with a .22 caliber bullet. This was not a matter of public record, and if they could get Brendan to say that she was shot in the head they would have very damning corroboration.

The interrogators asked Brendan a long sequence of questions about how she was killed, and Brendan appeared to be guessing at what answer they sought. For instance, Brendan had up to that time in the interrogation said nothing about the killing method other than that she was stabbed in the stomach (which was never corroborated by other evidence). Wiegert said: "What else did he do to her? (pause) He did something else, we know that. (pause) What else?" (p. 578). Brendan's first reply was that he tied her up. (*Id.*). That was not the answer they were looking for so Wiegert asked again: "We know he did something else to her, what else did he do to her?" (p. 579). Brendan thought for a moment and then suggested "He choked

her." (*Id.*).¹⁸ Again, that was not what they were searching for, so Wiegert got more specific:

Wiegert: "What else did he do to her? We know something else was done. Tell us, and what else did you do? Come on. *Something with the head.* Brendan?"

(p. 584). (emphasis added). After a long pause where Brendan seemed confused and unable to guess what they wanted him to say, he said "that he cut off her hair." (*Id.*).¹⁹ Fassbender and Wiegert pushed Brendan some more, without getting the answer they sought:

Fassbender: What else was done to her head?
Brendan: That he punched her.
Wiegert: What else? (pause) What else?
Fassbender: He made you do somethin' to her, didn't he? So he - he would feel better about not bein' the only person, right? (Brendan nods "yes") Yeah.
Wiegert: mm huh.
Fassbender: What did he make you do to her?
(Pause)
Wiegert: What did he make you do Brendan? It's OK, what did he make you do?
Brendan: Cut her.
Wiegert: Cut her where?
Brendan: On her throat.

¹⁸ As just one example of the remarkably leading questions they asked to shape Brendan's answers, at one point Fassbender asked what Avery said to Halbach: "Is he telling her that he's gonna kill her, is he telling her he's gonna let her go, what's he telling her?" Predictably, Brendan replied "that he was gonna kill her." (p. 582).

¹⁹ Forensic evidence examinations never found any of Halbach's hair in Avery's bedroom, or anywhere else.

(p. 585-86). Brendan's nonsensical "overkill" story by that time had described he and Avery stabbing Halbach in the stomach, then choking her, then punching her in the head, then slitting her throat - after all of which she was still apparently alive. But he had still not volunteered the one and only fact that could be corroborated by independent evidence. So they tried again, unsuccessfully:

Wiegert: So Steve stabs her first, then you cut her neck? (Brendan nods "yes")
What else happens to her head?
Fassbender: It's extremely important you tell us this, for us to believe you.
Wiegert: Come on Brendan, what else?
(pause)
Fassbender: We know, we just need you to tell us.
Brendan: That's all I can remember.

Finally, Wiegert became frustrated and blurted out the answer, which thereby destroyed the value of Brendan's response as any corroborative evidence:

Wiegert: All right, I'm just gonna come out and ask you. *Who shot her in the head?*
Brendan: He did.
Fassbender: Then why didn't you tell us that?
Brendan: Cuz I couldn't think of it.

(p. 587). It apparently never occurred to either investigator that Brendan's failure to mention the shooting on his own was a fact that undermined the credibility of his entire story.

With more prodding, Brendan's story added that Halbach was carried outside and shot as her body lay near the side of the garage. He denied that she was ever inside the garage itself (p. 592). He said they then put her body in a fire that was already going before Brendan even got there (p. 594). That story did not fit the police

theory of the crime, and failed to explain the forensic evidence that some of Halbach's blood was found in the cargo area of her jeep. So Fassbender went to work getting him to change his story yet again:

Fassbender: OK Brendan, we gotta, I think, I think you're doin' a real good job up to this point of ah coming forward and stuff, but you bring her out of the house, you just said that ah, after you put her on the, on the fire, then, then you wanted to get the car, help get the car out of the garage and stuff. (Brendan nods "yes") Again, we have, w-we know that some things *happened in the garage, and in that car*, we know that. You need to tell us about this so we know you're tellin' us the truth. I'm not gonna tell you what to say, you need to tell us.

(p.595) (emphasis added). Brendan understood the warning that they were not satisfied yet, so he took the cue and said she was first placed in the jeep, because they were "gonna take her down in the pit and throw 'er in that water." (p. 596). Then Avery apparently changed his mind and decided to burn her so they took her out, sat her on the floor and then later put her in the fire.²⁰

Again, Brendan demonstrated his inability to tell a story that fit the facts as the police believed them to be. Wiegert believed Halbach had been shot on the garage floor, even though none of her blood had been found there.²¹ As he often did throughout the interrogation, he posed an "either/or" question to Brendan, with the

²⁰This contradicted Brendan's earlier story that as they sat in the house watching TV for awhile Avery told him he was going to burn her body (p. 577).

²¹Another thorough search with a warrant obtained after Brendan's statement also failed to every find any of Halbach's blood or DNA on the garage floor.

"correct" answer presented as the first choice. Brendan nearly always picked the first choice, but in this instance did not, and was quickly chastised:

Wiegert: Was she on the garage floor or was she in the truck?
Brendan: Innn [sic] the truck.
Wiegert: Ah huh, come on, now where was she shot? Be honest here.
Fassbender: The truth.
Brendan: In the garage.

. . .

Fassbender: And she was in the back of the truck or the SUV that whole time that he shot her?
Brendan: She was on the, the garage floor.
Wiegert: She was on the garage floor, OK.
Fassbender: All Right.
Wiegert: That makes sense. Now we believe you.

(p.597). Similar shaping took place when they asked Brendan about what was done to the vehicle.

Wiegert: With, how's the license plates were taken off the car, who did that?
Brendan: I don't know.
Wiegert: Did you do that?
Brendan: (shakes head "no") No.
Wiegert: Did Steve do that?
Brendan: Yeah.
Wiegert: Well then why'd you say you don't know? Did Steve take the license plates off the car?
Brendan: (nods "yes") Yeah.

(p. 602).

In its closing argument at Brendan's trial the prosecutor argued that Brendan *volunteered* that he saw Avery do something under the hood of Halbach's RAV-4, and that was something only the true killer's accomplice would have known - because a later DNA test supposedly revealed Avery's DNA on the hood latch. But the record proves otherwise. Fassbender *suggested* that Brendan saw Avery go under

the hood. Brendan never mentioned the hood at all until Fassbender did, and only then did Brendan incorporate that suggestion into his own statement.

- Fassbender: OK, what else did he do, he did somethin' else, you need to tell us what he did, after that car is parked there. It's extremely important. (pause) Before you guys leave that car.
- Brendan: That he left the gun in the car.
- Fassbender: *That's not what I'm thinkin' about.* He did something to that car. He took the plates and he, I believe he did something else in that car. (pause).
- Brendan: I don't know.
- Fassbender: OK. Did he, did he, did he go and look at the engine, *did he raise the hood at all* or anything like that? To do something to that car?
- Brendan: Yeah.
- Fassbender: What was that? (pause)
- Wiegert: What did he do, Brendan?
- Wiegert: It's OK, what did he do?
- Fassbender: *What did he do under the hood,* if that's what he did? (pause)
- Brendan: I don't know what he did, but I know he went under.
- Fassbender: He did raise the hood? (Brendan nods "yes") You remember that?
- Brendan: Yeah.

(p. 603-04) (emphasis added).

This exchange provides one more example of Brendan trying to guess at the answers he thought the police wanted. When he was unable to guess correctly Fassbender and Wiegert readily supplied him with the answers they wanted. Unfortunately the technique worked well enough to obtain a "confession" from Brendan, but the police penchant for providing Brendan the answers takes away any honest argument that Brendan's statement can be viewed as truthful because of its corroboration with independent facts. The police simply shaped the answers to fit

the facts as they knew them at that time. Later forensic tests would disprove critical facts alleged in the March 1 statement, which gave rise to the need for Brendan and the police to try to "correct" the story in the May 13 interview. As will be seen, however, that interview backfired so badly that the State did not wish it introduced in either defendant's trial.

Fassbender and Wiegert took a break in the interrogation to consider whether Brendan had told them a story that really fit their theory of the crime. They realized that the last version they obtained from Brendan did not fit the time line they preferred, because, if true, then Bobby Dassey's story about seeing Halbach walking toward Avery's trailer at about 2:45 p.m. was impossible. They could not explain Teresa still being around and chatting amiably with Avery nearly an hour later. Of course there was another unbiased witness who corroborated Brendan's story that Halbach was still outside when he got off the bus - the school bus driver, Lisa Buchner, who said she dropped the kids off at 3:45 p.m. and saw a woman taking pictures of a van. But by then the police had already decided they liked Bobby Dassey's story better, and had written *him* off as a likely suspect with no investigation or challenge to his story whatsoever.

Thus, when Fassbender and Wiegert returned to the interrogation room, they told Brendan there were "some areas that we have ta revisit" (p. 614). They asked him to reconsider what happened as he got home from school, at 3:45 p.m.:

Fassbender: OK, and you said you walked down th [sic] the road to your house, (Brendan nods "yes") and you said that you saw Steven on the porch.

Brendan: (nods "yes") uh huh

Fassbender: Mark [Wiegert] and I are havin' a problem with that. Now if, I'm not, I'm not sayin' that I'm gonna put words in your mouth so we're havin' a problem with that. You know Blaine not seeing it and stuff like that and and the time period cuz its quarter to four and we're real familiar with time periods here and when she got there and stuff. Is there somethin' you need to tell us about that? When you got home what did you see before you went into your house? Did you even go in your house or did ya go over to Steven's. (cough) Talk to us about what happened there cuz *the time periods aren't addin' up bud.*

Brendan: Well I don't know if Blaine seen it but I never asked him about it. So I don't know if he seen it or not.

Fassbender: Again, er, whether Blaine saw it or not, the time periods aren't adding up. They're not equaling out. We know when Teresa got there. (Brendan nods "yes") Um, and, and *I know I guarantee ya Teresa's not standing on that porch when you come home from school.* I ju [sic] I don't see that. Um, I don't even ya I have a problem with the car sittin' out front yet at this time either. That cars sittin' out front other people er at would have seen that car, you know. Somethin' is not adding up here and you need to tell us the truth. Did this all start right when you came home from school? You need to tell me, you need to be honest with me. I can't tell ya, I I can't tell you these things. *I can tell ya we don't believe you because there's some things that are wrong but you've gotta tell me the truth.* This is you know gettin' serious her now, OK? (Brendan nods "yes") Tell me what happened when you got home.

(p. 614-15) (emphasis added). Brendan took Fassbender's transparent hint and changed his story to say that her "jeep" was in the garage when he first got home and that he did *not* see Avery and Halbach standing on his porch at that time. (*Id.*)

Wiegert saw another practical problem with Brendan's story - that if they cut her throat she would have bled a great deal, leaving blood soaked into the mattress and on Brendan's clothes (p. 640). But Brendan was unable to explain why he didn't get blood on his clothes or why there was not blood evidence remaining in Avery's

trailer. Fassbender then suggested that she was taken to the garage alive and killed there instead of the bedroom – the very theory the State offered to Avery's jury to explain why none of Halbach's blood or DNA was found in Avery's trailer:

Fassbender: You sure that she wasn't taken out to the garage alive and some of the stuff was done to her out there?
Brendan: (shakes head "no") No.
Fassbender: Hanging from a rafter, 'er anything like that?
Brendan: (shakes head "no") mm uh.
Fassbender: Now the worst is over, you're not gonna shock us or anything by tellin' us if that happened. Cuz I-I just have a feeling that something may, may be there. Talk to me.
Brendan: Nothin' happened in there.
Fassbender: It all happened in the bedroom you said. (Brendan nods "yes") You're positive of that.
Brendan: (nods "yes") Yeah.

(p. 644). This time Brendan did not take the hint and change the site of the killing to the garage, but he would do so later in the May 13, 2006, interview, no doubt after he had learned from his lawyer that the forensic evidence disproved his story.²²

Brendan's story became more incredible when the police revisited the sequence of injuries he and Avery supposedly inflicted on Halbach. Brendan said that after he had sex with Halbach, Avery then stabbed her, Brendan cut her throat, Avery then choked her, and finally Brendan cut off her hair (p. 657). Wiegert seemed taken aback a bit that Avery would have choked her *after* her throat was cut: "He must have had a lot of blood on his hands then huh? (Brendan nods "yes")" (p. 658).

²²Brendan's lawyer at the time of the May 13, 2006, interview was widely quoted in the media as working to get a plea bargain for Brendan, and likely needed his client to provide a version at that time that would more closely fit the facts the State wanted to present at Avery's trial.

But he did not challenge Brendan about the incongruity of a killer choosing to choke a victim whose throat was already slit open in the first place.

Shortly thereafter the police took another break and left the room. Brendan's jury saw no more of the taped interview because, for some reason unknown to Avery's counsel, Brendan's lawyers stipulated that the remainder was not relevant. Yet the tape reveals that when the police re-entered the interrogation room Brendan seemed not to comprehend what he had been tricked into telling the police. He wondered if he would be done with the interview in time to return to school:

Brendan: Am I gonna be at school before school ends?
Fassbender: Probably not. I mean we're at two thirty already, and schools over at what, three? (Brendan nods "yes")
Brendan: 3:05
Fassbender: 3:05 yeah. No.
Brendan: What time will this be done?
Fassbender: Well, we're pretty, we're pretty much done. we have a couple follow up things ta ask ya, but its pretty much done.

(p. 667). Fassbender did not tell Brendan yet that he was going to be arrested, but after another long break he finally did (p. 668). At that time the police brought Brendan's mother, Barb Janda in to confront him. She told him he would be going to "a juvie jail" (p. 671). Brendan asked her what would happen if Avery told a different story "like I never did nothin' or somethin'" (p. 672). Barb then asked:

Barb Janda: Did you? Huh?
Brendan: Not really.
Barb Janda: What do you mean not really?
Brendan: *They got to my head.*
Barb Janda: Huh?
Brendan: . . .say anything.

Barb Janda: What do you mean by that? (pause) What do you mean by that Brendan? . . .

(p. 672) (emphasis added). Brendan did not answer further, but, sensing something was wrong, Barb then confronted Wiegert and asked "were you pressuring him [Brendan]?" (*Id.*). Wiegert denied any pressure and tried to convince Barb that they had been "doing this job a long time" and could tell when people aren't telling the truth. Brendan's jury never heard that Brendan complained that very same day that the police had tricked him by "getting into his head."²³

Wiegert apparently believed that the story Brendan told about a bloody killing in Avery's bedroom was true, yet his internal "truth detector" must have been faulty at the time of the March 1 interrogation, because by the time of the May 13 interview - and later at Avery's trial --he was apparently convinced that Halbach was killed in the garage, not in Avery's bedroom.

4.

May 13, 2006, Sheboygan County Juvenile Detention Center

On May 12th, Brendan and his lawyer, Len Kachinsky, learned that the defense motion to suppress his confession had been denied by the court. That evening Kachinsky arranged for the police to re-interview his client the following

²³Brendan's jury also never heard any of the later May 13 interview with Brendan, at the end of which the police prodded Brendan to call his mother and repeat the same story to her. See, further discussion *infra* at Section 4, p.54. Brendan did as instructed and called his mother, which tape recorded conversation was played for the jury without their knowledge that the call had been orchestrated by the police.

day, without his presence. The purpose of the interview was purportedly so Brendan could "fill in some blanks" but in all likelihood it was part of Kachinsky's plea bargain discussions with the prosecution which anticipated Brendan testifying against his uncle. By that time the results of DNA tests had come in which proved Halbach's blood or DNA was found nowhere inside Avery's residence, including on the handcuffs Brendan claimed were used to restrain her arms to the bed. Brendan met at length with Kachinsky's investigator the night before the May 13 police interview, so he would have known about these problems with his March 1 statement as well. The police hoped Brendan would give them a story which explained away the exculpatory evidence that continued to mount in Avery's case. They were greatly disappointed. Brendan's transparent effort to change his story quickly fell apart and he was not only forced to admit numerous "lies" in the March 1 session, but it became ludicrously obvious that he could not tell a credible version now either.

The session began with Fassbender explaining to Brendan that he and Wiegert had looked at the evidence and "even your last statement, there's some areas that . . . don't seem ta necessarily add up" (p. 759). He told Brendan they were offering "the opportunity now to tell us about some of those things, and, and clarify some of those areas for us" (*Id.*). Implying that Fassbender knew Brendan's lawyer or investigator had already discussed with him certain holes in his March 1 statement,

Fassbender told Brendan "you know those areas and you know the places where you need to, ah finish or clarify" (*Id.*).

Brendan then started with a long narrative as if he had been coached to give a summary of the entire encounter with Avery on October 31, but it was immediately obvious that his story failed the expectations of the police. He claimed that he went home after getting off the bus and did not even go over to Avery's until sometime after 7:00 p.m., at which time Avery told him to "have sex" with Halbach (who was evidently still very much alive). He claimed he only had sex with Halbach because Avery was too strong and "I thought I was not gonna get away from 'em" (*Id.*). He then claimed that Halbach was taken out to the garage alive and stabbed and killed there, instead of Avery's bedroom as he had said in the prior statement. (p. 750-60). He went on to say that Avery shot her five times to be sure she was dead and they then burned her body in the fire (*Id.*).

Brendan's story omitted any mention of Halbach's vehicle, so Wiegert asked him where that fit in to the story. Brendan's response was that he "never seen it that day" (p. 760). That obviously did not fit with the prior statement or the police theory of the crime, so Wiegert tried walking him through the story again. In doing so, Wiegert noticed that Brendan also omitted any reference to getting the mail on his bike, and asked if his prior statement was true. Brendan admitted that part had been a lie, and also this time denied hearing any screaming coming from Avery's trailer

(p. 761). Brendan maintained that he did not go over to Avery's until after 7:00 p.m., but this time the interrogators stopped him and challenged whether he was being "honest" with them. Fassbender warned him that if they did not feel he was being honest with them they would just leave (p. 764). Brendan denied he was lying to them, but continued to say (contrary to his earlier statement) that he did not go inside and see Halbach until well after Steve called him at 7:00 p.m. (*Id.*).

Brendan said that when he first saw Halbach she was completely naked on Avery's bed but was not screaming, and had nothing covering her mouth (p. 766). Unlike his prior statement, however, he now claimed that her arms were restrained to the bedpost with rope, not the "silver colored" handcuffs he previously described, and on which none of Halbach's DNA was found (p. 766-67).²⁴ He was asked to describe Halbach's body, including her private areas. He claimed Halbach had no pubic hair, which the agents immediately noticed contradicted his previous version. The agents suggested that "[i]f you don't remember something, Brendan, tell us you don't remember" (p. 768), which naturally prompted Brendan to change his story again and claim that he did not remember whether or not she had pubic hair. Brendan also said he did not recall seeing her breasts and did not touch them at all during the "bout two minutes" that he had sex with her (p. 770).

²⁴The Crime Lab's trace analysis of the bedpost also revealed no rope fibers.

Brendan next claimed that Avery "unroped her" from the bed and then tied her hands and feet and carried her into the garage, during which time she surprisingly did not kick or try to get away, even though Avery supposedly told her he was "gonna take her out ta the garage and stab her and shoot her" (p. 770-71). Unbelievably, Brendan claimed that Avery was able to carry alone, one in each hand, both the .22 rifle and Halbach from his bedroom to the garage, without Brendan's assistance (p. 771). Fassbender was incredulous:

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 [sic] the gun and then you carried the body?
Brendan: No. (Shakes head "no").

(p. 773-74). When Brendan also claimed to know the exact time when Halbach was carried to the garage, both agents found that unbelievable and warned him they would be following up the interview with Brendan's attorney:

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 [sic] 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 its 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.

The agents again asked Brendan if he saw Halbach's vehicle in Avery's garage, but Brendan denied seeing it. Wiegert then became so frustrated he lost his composure:

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 to 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 to 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 looking for the detail so we can know so we match everything up with the evidence, and, and so we can believe what you say. Do you understand that?*

(p. 775) (emphasis added). Naturally, with this prompting Brendan changed his story to say that he did see Halbach's vehicle in the garage, and that she was placed into the "jeep" after she was stabbed and bleeding.

Later, Brendan claimed that other parts of his March 1 statement were not true. He said that while he did stab her in the stomach, he never slit her throat (p. 779). In the May 13 statement, he also described a completely different knife as the murder weapon -- this time it was an eight-inch pocket knife that he had in his pocket, not a straight knife that Avery just found in the garage (p. 805-06). In this

story he also denied seeing Halbach's cell phone, camera or purse in Avery's burn barrel, which contradicted the March 1 version (p. 819). Brendan also said that after he pulled the bloody knife out of her stomach he gave it to Avery and they later "put it inta the jeep" (p. 781).²⁵ Brendan then said that Avery "took the gun and shot her five times," but did not know where in her body she was shot (*Id.*). Fassbender confronted him again:

Fassbender: The first time you told us ah 10 times, about 10 times, that you shot her.²⁶ And you told us where he shot her. Were you lying then or are you lying now?
Brendan: I was lying ah then.
Fassbender: Why? Why are there 10 shell casings or more on that garage floor?
Brendan: Well there's gun shells all over the place though.²⁷

(p. 782). Eventually Brendan said he only "heard five shots" but agreed with Fassbender that it may have been more (p. 783-84).

The agents also encountered difficulty when Brendan denied that he accompanied Avery when the RAV-4 was driven down into the Avery Salvage Yard pit (p. 787-88). They wanted Brendan to say again, as he had with their prompting in the March 1 session, that he saw Avery do something under the hood, because

²⁵ No knife or bloody transfer from a knife was ever found inside Halbach's vehicle.

²⁶ Fassbender incorrectly said this was claim was made "the first time." Actually it was not until the third time they interrogated him the week of February 27 that Brendan said anything at all about shooting Halbach, and that was only after a leading and suggestive question introduced the topic.

²⁷ In this respect Brendan is corroborated by the property owner, Rollie Johnson, who later testified at Avery's trial that .22 shells were all over the property for years.

they knew the vehicle was discovered with the battery cable disconnected. Instead, Brendan claimed he was at home when Avery took the vehicle to the pit, which provoked this response from the agents:

Fassbender: See, I can't believe that now. I'm sorry. Your mom wasn't home. Your mom was at Scott's.
Wiegert: Brendan, d-do you want us to walk out of here? Is that what you want? Then quit lying to us.
Fassbender: First version you say you went down and ended up yet with Steven with the RAV-4. You saw some things down there? You told us about those things. Where'd you come up with that? You told us that Steve took the license plates off the vehicle. You told us that Steven went under the hood of the vehicle. What did you just grab that out of the air? How do you know those things?
Brendan: Just guessing.

(p. 788). Perhaps Fassbender forgot that the real source of that information in the March 1 story was actually Wiegert and himself.

Shortly after this exchange Brendan gave conflicting answers about cutting Halbach's hair. First he told them, consistent with the March 1 statement, that he cut off her hair in the bedroom, but claimed he used the knife they found in the garage. Once again the agents were disbelieving:

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 that you did? Brendan?
Brendan: I don't know.

(p. 791).

After this confrontation, the agents suddenly seemed to recall that the 16 year old boy that they were questioning was still just a child, and so they tried to get the answers they sought by threatening to tell his mother that he was lying to them. Wiegert said: "OK. So when I walk out this door right now and I go call your mom and tell her that you've been lying to me, what do you think she's gonna say? You think she'll be mad at you?" (p. 791-92). When this also failed to work, they both pretended to walk out of the room in a huff:

Fassbender: Brendan, I'm gonna tell you what. I just about had enough and I'm, I'm gonna leave and I'm gonna take Mark with me, um and we're gonna talk and if Mark can convince me to come back in, if that's what he even wants, we'll come back in to give you a moment to think about. If we come back in, just tell us the truth. We're gonna take you through it if we come back in, you can tell us the truth and we're gonna ask you some tough questions. If you changed your story between, we'll ask you why, cause that's important. OK?

Wiegert: OK. What he's saying is you got one more opportunity left. You understand that? You gonna take that opportunity? Think about it. You got one more chance to tell the truth or we're done. Got it?

(p.792).

Following the break, the agents returned and again repeated the threat to call his mother and tell her Brendan was lying to them (p. 793). They then tried to run through his story one more time, but Brendan would not even look at them as he merely parroted back the answers they wanted. After agreeing to the basics – that he was involved in the Halbach murder with Steven Avery – Wiegert told him "that's the hard part; you've admitted it, OK. That's over. You know the rest of it is just details" (*Id.*). The problem for the police was that Brendan simply *did not know* "the

details" they wanted to hear, so the interrogation went on for a long time in much the same way it did before the break - Brendan told them a story that did not fit the facts and the police did their best to shape it into a credible confession.

One of the problems the police had with their theory of the crime was explaining how and why Halbach came to be inside Avery's trailer. They knew Halbach was a physically fit 25-year old woman with enough experience photographing cars for strangers that she would not have voluntarily entered Avery's home. Despite repeated questions, Brendan never could offer any explanation as to how Avery managed to get Halbach into his house (*See* p. 815, 833, 861).

It also seemed logically improbable that Avery could have killed Halbach on the spur of the moment and completely disposed of her body with no one noticing. So Wiegert, for the first time, introduced to Brendan the theory that the killing was planned. He asked: "Why did you go over there? You had this stuff planned out already, didn't you? You and Steve had this planned?" (p. 796). Brendan responded to this cue by claiming they had planned it "for a few days" (*Id.*). But he could give no details of any "plan" that would satisfy the agents that such a plan really existed. There was evidently no list of things to do and no preparations made (p. 798-99).

The police also could not understand what motive Avery had to kill anyone, much less Teresa Halbach. Brendan first told them Avery did it because he missed jail and wanted to return, but the police didn't buy that explanation (p. 797). Later, at Wiegert's suggestion, Brendan offered that Avery was unhappy that his girlfriend Jodi was in jail, but he could not logically explain why that would lead Avery to kill someone. Wiegert suggested: "[h]e told you why he was pissed off. Probably cuz he wasn't getting any or something like that's my guess" (p. 815). Only after such prompting did Brendan agree with this unlikely suggestion. (*Id.*)

Fassbender also suggested that because Brendan told them in his March 1 statement that Avery put an old car hood and branches against the RAV-4 to obscure it from view he must have been with Avery or he could not otherwise have known that information (p. 842). Of course, the photo of the vehicle when it was discovered showed those items clearly and it was presented at the preliminary hearing and widely shown on T.V. More significantly, when they asked Brendan to draw the route Avery traveled to take Halbach's vehicle into the pit where it was found, he at first told them the wrong direction the RAV-4 was facing, then later claimed, at Fassbender's suggestion, that he did not recall (p. 859).

The police also explored whether Avery or his girlfriend may have had sex with Brendan, which he denied (p. 816). Brendan did claim that on occasion while goofing off and wrestling Avery may have grabbed his crotch area, but not in a

sexual manner (p. 848). In fact, Brendan claimed he was not only a virgin before the incident with Halbach, but that he never even fooled around with a girl before (p. 855). The police apparently did not consider how unlikely it was that a 16 year old boy who was completely inexperienced with sex would even take off his clothes in front of his uncle and be able to perform sexually with a woman for the very first time in his life.

Near the end of the May 13 session, when asked what punishment he thought he deserved for his part in the Halbach killing, Brendan said "I should get a few years in jail" (p. 822). He also remembered to add that "I did it because Steven told me to," which is no doubt what his lawyer told him to say.

Finally, Fassbender used the session to try to persuade Brendan to call his mother and confess to her. "If you're truly sorry for the Halbach's, you'll be, you'll tell your mother the truth about this" (p. 861). He clarified a few moments later that what he really wanted Brendan to tell his mother was not necessarily "the truth," but "exactly what you told us" (p. 863). The police encouraged him to call his mother right away "before we tell her" (p. 862). Later, the phone call the police orchestrated between Brendan and his mother was used against Brendan at his own trial, as an implication of his guilt.

On several occasions Fassbender suggested Brendan was changing his story because other people in his family told him what to say (p. 832). But every single

phone call and jail visit Brendan had with anyone, from the time of his arrest to the trial, was recorded by the authorities, yet no recordings of family members supposedly pressuring Brendan to recant his confession or change certain facts in his story were ever presented at Brendan's trial. The fact is that the only two people documented to have manipulated Brendan Dassey into saying anything about this case are Special Agent Fassbender and Investigator Wiegert. They manipulated Brendan so well that none of his statements can be deemed reliable.

CONCLUSION

Despite Brendan Dassey's conviction at his own jury trial, this Court should not consider the statements he made implicating Steven Avery to be reliable enough to consider at Avery's sentencing. As the foregoing summary of those statements demonstrates, there are many reasons to question the trustworthiness of his alleged "confession." Because the PSI writer relied substantially on Brendan's March 1 statement to the police, and the entirely unproven sexual assault allegation, this Court should reject all of that report, and also order that it not be included in his Department of Corrections file.

Dated at Brookfield, Wisconsin, May 29, 2007.

Respectfully submitted,
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**In re: State of Wisconsin v. Steven Avery
Manitowoc County Case No. 05 CF 381**

Dear Mr. Buting:

You asked me to examine various documents and recordings (listed later) in order to cast some light on the reliability of statements made to the police by Brendan Dassey, Steven Avery's nephew. As you know, I am not prepared to offer an opinion about the truthfulness of Dassey's statements. Instead, in this report I will summarize what social scientists have learned about individual vulnerabilities and social influence processes that can lead to unreliable statements and false confessions. In addition, I will identify various factors in Brendan Dassey's case that, in a general sense, are associated with unreliable statements and false confessions. The body of knowledge that serves as the basis for this report is the product of nearly 100 scientific studies published in peer-reviewed journals, most within the past 15 years.

Before giving my report, I should describe my qualifications. I earned a Ph.D. in social psychology at the University of California, Santa Cruz, in 1984. I have been a professor of psychology and legal studies at Beloit College in Wisconsin since 1984. I regularly teach courses on statistics, research methods, forensic psychology, and social psychology. I have conducted research on the reliability of witnesses; this research was supported by a grant from the National Institute of Mental Health. I have published more than a dozen articles and research reports in refereed journals and edited books. In the past 20 years, I have consulted on more than 150 criminal cases in Wisconsin, Illinois, and Minnesota. I have testified as an expert witness in Wisconsin courts on approximately 25 occasions. In the great majority of these cases, the subject of my testimony was the reliability of eyewitness testimony, but I have also presented expert testimony on interrogations and confessions.

(60)



I have read widely on interrogation procedures and the factors associated with true and false confessions. Several years ago, I taught an advanced seminar titled "The Psychology of Interrogation and Confession." I have made conference presentations on several occasions about the problem of false confessions. One of my students and I recently completed a survey of jury-eligible persons as to what they know and do not know about interrogations and confessions. We presented our research last week at the annual meeting of the Midwestern Psychological Association in Chicago.

The Incidence of False Confession Cases

Innocent defendants are sometimes convicted of crimes they did not commit—and sometimes the cause of the wrongful conviction is a false confession. Drizin and Leo (2004) have documented 125 cases of false confession that occurred between 1971 and 2002. Indeed, false confessions account for a substantial proportion of wrongful convictions, ranging from 14% to 27%, depending on the study (Bedau & Radelet, 1987; Connors, Lundregan, Miller, & McEwen, 1996; Scheck, Neufeld, & Dwyer, 2000). According to the Innocence Project (2006) at the Benjamin Cardozo School of Law, in 35 (or 27%) of the first 130 DNA-exoneration cases, defendants confessed to crimes they did not commit.

Types of False Confessions

There are three distinct psychological types of false confession (Kassin & Wrightsman, 1985). This report focuses on the second and third types of false confessions, as most contested confessions fall into one of these categories.

1. In a voluntary confession, an innocent person makes self-incriminating statements without external pressure from the police. Sometimes the confessor wishes to protect a relative or friend; sometimes the confessor has a pathological need for attention, notoriety, or self-punishment.
2. In a pressured-compliant confession, an innocent person makes self-incriminating statements in order to achieve some immediate gain or benefit (e.g., alleviation of conflict, a desire to sleep or go home).
3. In a pressured-internalized confession, an innocent person comes to distrust his own memory and makes self-incriminating statements because he (mistakenly) concludes that he committed the crime. In these cases, the person usually realizes his error after talking with relatives or an attorney.

Origins of False Statements and False Confessions

Broadly speaking, all behavior is produced by the interaction between a person and a situation. That is, individual characteristics and situational forces combine to produce

human behavior. When situational forces are extremely powerful, they are likely to overwhelm an individual's capacity to resist such forces (Ross & Nisbett, 1991).

This general model helps us understand why a suspect might make false statements or confess to committing a crime he did not commit. First, the suspect may be psychologically vulnerable. That is, he may possess one or more characteristics (e.g., youth, low intelligence, mental illness) that cause him to be easily confused, unusually compliant, or especially suggestible. He may confess because he comes to doubt his own version of events, because he believes the legal system would not harm an innocent person, or because he wishes to avoid interpersonal conflict.

Second, the suspect may be pressured by police investigators who believe the suspect is guilty. Police investigators may employ specific interrogation tactics (e.g., social isolation, vigorous confrontation, minimization of culpability) to increase psychological stress, suggestibility to leading questions, and compliance to the requests of authority figures. As a result, the suspect may confess because he wishes to remove himself from a psychologically stressful situation or because he mistakenly believes that the costs of maintaining his innocence are greater than the costs of telling the police what they seemingly want to hear.

In short, false statements can be produced by either factor alone but are especially likely when a vulnerable individual is subjected to psychological pressure by police investigators (Gudjonsson, 2003).

Vulnerable Individuals

Some individuals are more likely than others to capitulate to interrogation pressures and make self-incriminating statements. Risk factors internal to the person include youth, low intelligence, poor memory, drug addiction, mental illness, compliance and suggestibility, low self-esteem, and sleep deprivation.

1. Juvenile suspects generally confess more readily than adult suspects because juveniles are less likely to have prior experience with law enforcement, more likely to waive their Miranda rights, and more likely to comply with the demands of authority figures (Grisso, 1999; Medford, Gudjonsson, & Pearse, 2003). In the Drizin and Leo (2004) sample of proven false confessions, 32% of the false confessors were under the age of 18, and 63% were under the age of 25.
2. Intellectually impaired individuals are more easily pressured into giving unreliable statements and false confessions. Drizin and Leo (2004) identified at least 28 mentally retarded defendants in their sample of 125 false confessors—and this figure probably is an underestimate because intelligence test scores were not available in most cases. Mentally retarded persons are less likely to understand their Miranda rights (Fulero & Everington, 1995) and often exhibit a strong tendency to say "yes" to even absurd questions (Finlay & Lyons, 2002). The latter phenomenon is known as acquiescent response bias.

3. Individuals who have poor memories or who distrust their memory capabilities are generally more suggestible. As a result, they are more likely to make unreliable statements (Gudjonsson, 2003). When persons doubt their own memories of an event, they often rely on cues from others to help them construct a plausible account of what actually happened.
4. Individuals who are in a state of alcohol withdrawal are vulnerable because they are cognitively impaired, unusually anxious, and less able to cope with interrogative pressure (Gudjonsson, Hannesdottir, Petursson, & Tyrfingson, 2000; Gudjonsson, Hannesdottir, Petursson, & Bjornsson, 2002). In several cases in Great Britain, drug addicts have become highly compliant because they hoped to be released from custody and then feed their drug habit (Gudjonsson, 2003).
5. Individuals who suffer from a diagnosable psychiatric disorder (e.g., schizophrenia, depressive illness) are often vulnerable because a breakdown in "reality monitoring," when present, impairs the individual's ability to differentiate fact from fantasy. As a result, some mentally ill persons come to believe they have committed crimes that, in fact, they have not (Gudjonsson, 2003).
6. Several studies indicate that highly compliant individuals are more likely to confess to police (Gudjonsson, 2003). In this context, compliance refers to "an eagerness to please ... and a desire to avoid confrontation and conflict with others, particularly those in positions of perceived authority" (Kassin & Gudjonsson, 2004, p. 51).
7. Individuals who suffer from low self-esteem are more suggestible in an interrogation context because their feelings of powerlessness and incompetence lead them to uncritically accept misleading information when it is presented by police investigators (Gudjonsson & Singh, 1984).
8. Sleep deprivation impairs one's ability to cope with interrogative pressure (Blagrove, 1996). The longer the sleep deprivation, the greater the effects on suggestibility. Even one night's sleep deprivation can impair executive functioning in the part of the brain called the prefrontal cortex (Nilsson, Söderström, Karlsson, Lekander, Åkerstedt, Lindroth, & Axelsson, 2005). Executive functioning refers to the brain's ability to absorb information, interpret the information, and make decisions based upon the information. In short, sleep-deprived individuals are more suggestible and less able to make good decisions.

Techniques that Increase Compliance

Police investigators can employ specific techniques that are designed to (1) create a psychologically stressful situation and (2) increase suggestibility and compliance to the demands of authority figures. These techniques include social isolation, lengthy questioning, and repeated questioning. These techniques are associated with high rates of confession and a heightened risk of false confession. (Other techniques include specific

interrogation tactics commonly used by police investigators; these will be discussed in a separate section.)

1. Military interrogators isolate suspected terrorists for questioning. Religious cults often isolate their members to heighten suggestibility and instill the cult's teachings. Prison officials sometimes isolate prisoners to indoctrinate and interrogate (Suedfeld, 1974). When the police isolate a suspect within unfamiliar surroundings, the suspect often is anxious and is motivated to remove himself from the uncomfortable situation and reunite with family and friends. From a social psychological perspective, the single suspect who is isolated and confronted by investigators is being pulled in one direction (toward a confession) while there are no other forces (e.g., his attorney) pulling him in the opposite direction. In this kind of situation, individuals comply to a degree that surprises most people (e.g., Asch, 1956).
2. In the United States, the vast majority (90%) of police interrogations are completed within 2 hours (Leo, 1996). The authors of a widely-used interrogation manual believe that most interrogations can be completed within 3-4 hours (Inbau, Reid, Buckley, & Jayne, 2004). These statistics stand in sharp contrast to a recent analysis of proven false confession cases in which 34% of interrogations lasted 6-12 hours, 39% lasted 12-24 hours, and the average length was 16.3 hours (Drizin & Leo, 2004). In a lengthy interrogation, an innocent suspect's resistance is worn down and police investigators, frustrated by their inability to secure a confession, are likely to apply more pressure.
3. When investigators repeatedly ask closed-ended questions within a single interview, witnesses (and presumably suspects) change their answers with surprising frequency (Poole & White, 1995). The repetition of closed-ended questions (e.g., yes/no questions) creates conflict within an interpersonal situation; the conflict is eliminated when a suspect changes his answer because the investigator is satisfied and ends questioning on that subject.

The Nature of Interrogations

An interrogation is not an investigative interview. The primary goal of an investigative interview is to question a witness or suspect, in a non-leading way, to determine what happened. The primary goal of an interrogation, however, is to extract a confession or admissions of guilt from a suspect.

Most police investigators who conduct interrogations on a regular basis have been trained in the so-called Reid Technique or a variant of the Reid Technique. The Reid Technique is fully described in a widely-used manual titled *Criminal Interrogation and Confessions* (Inbau, Reid, Buckley, & Jayne, 2004). According to the manual's authors, an interrogation is accusatory and involves active persuasion; the investigator attempts to dominate the conversation by making statements, not asking questions. In social psychological terms, interrogation is "a guilt-presumptive process, a theory-driven social

interaction led by an authority figure who holds a strong a priori belief about the target and who measures success by the ability to extract an admission from that target" (Kassin & Gudjonsson, 2004, p. 41).

Detecting Deception, Waiving Miranda Rights, and Confirmation Bias

Before conducting an interrogation, Reid-trained investigators are encouraged to determine if the suspect is guilty or innocent (because only guilty suspects should be interrogated). Sometimes this judgment is based on physical evidence, information provided by witnesses, or a prior criminal history. At other times, however, "the judgment is based on nothing more than a hunch, a behavioral impression that investigators form during a preinterrogation interview" (Kassin & Gudjonsson, 2004, p. 37). According to advocates of the Reid Technique, investigators can be trained to judge truth and deception with 85% accuracy (Inbau, Reid, Buckley, & Jayne, 2004, p. 123). This level of accuracy, however, substantially exceeds human lie-detection performance obtained by independent researchers. In fact, most experiments have found that law enforcement officials, judges, and psychiatrists perform only slightly better than chance, if at all (Bull, 1989; Ekman & O'Sullivan, 1991; Garrido & Masip, 1999). In a recent meta-analysis (a statistical procedure that combines results across multiple studies), police investigators trained in the Reid Technique detected lies at chance levels only—and untrained students did slightly better (Meissner & Kassin, 2002). Many of these same studies have found that law enforcement officials tend to be more confident of their "lie-catching" abilities than can be justified on the basis of their actual performance.

How often do suspects waive their *Miranda* rights? In an observational study of live and videotaped interrogations, roughly 80% of suspects waived their *Miranda* rights and submitted to questioning (Leo, 1996). Archival studies in Great Britain reveal similar waiver rates (Baldwin, 1993; Moston, Stephenson, & Williamson, 1993). Innocent persons are especially likely to waive their *Miranda* rights (Kassin & Norwick, 2004), perhaps because they believe the legal system has safeguards in place to prevent the wrongful conviction of an innocent person.

At this point, police investigators begin to question a suspect who they believe is guilty. Can a presumption of guilt affect the questioning process and its outcome? Yes. Dozens of controlled studies indicate that once people form an impression, they unwittingly seek and interpret information in a way that validates their original hypothesis or belief. This phenomenon is known as the "interpersonal expectancy effect" or "confirmation bias." In short, a perceiver forms a belief about a target person and then behaves toward the target in a way that conforms to the belief. The target responds in turn, often behaving in ways that support the perceiver's belief (Snyder & Stukas, 1999). Confirmation bias in an interrogation context has been demonstrated in a controlled study of mock investigators and suspects. When investigators were led to believe that a suspect was guilty, they asked more guilt-presumptive questions and exerted more pressure to get a confession. When innocent suspects were interrogated by investigators who thought they were guilty, suspects were more anxious, more defensive, and more likely to appear

guilty, according to observers who listened to the taped interrogations (Kassin, Goldstein, & Savitsky, 2003).

Interrogation Tactics Commonly Used by Police Investigators

The Reid Technique itself is a 9-step process designed to extract confessions from criminal suspects. The nine steps can be reduced to three fundamental strategies: custody and isolation, confrontation, and minimization (Kassin & Gudjonsson, 2004). The first strategy—custody and isolation—intensifies the suspect's feelings of stress and desire to extricate himself from the situation. The second strategy—confrontation—allows the interrogator to accuse the suspect of the crime, express certainty in the suspect's guilt, cite real or manufactured incriminating evidence, and prevent the suspect from making denials. The third strategy—minimization—allows the interrogator to act sympathetically, offer a moral justification for the crime, permit the suspect to infer that he will be treated leniently if he confesses, and lead the suspect to believe that confession is the best or only way to "escape" the immediate, unpleasant situation.

Do police interrogators actually use tactics recommended by the Reid Technique and similar methods? The answer appears to be yes. Richard Leo (1996) observed 182 interrogations of criminal suspects. The following is a list of the tactics used most frequently by police interrogators (with the percentage of cases in which each tactic was used).

1. Appealed to the suspect's self-interest (88%)
2. Confronted the suspect with existing evidence of guilt (85%)
3. Undermined the suspect's confidence in denial of guilt (43%)
4. Identified contradictions in the suspect's story (42%)
5. Appealed to the importance of cooperation (37%)
6. Offered moral justifications or excuses for the offense (34%)
7. Confronted the suspect with false evidence of guilt (30%)

Note that tactics #2, #3, and #7 are instances of confrontation—and tactic #6 is an instance of minimization.

There is widespread agreement among social scientists that modern interrogation techniques are remarkably effective in eliciting true confessions from guilty suspects. Unfortunately, these techniques are so powerful that they can sometimes induce innocent suspects to make unreliable statements or even confess to crimes they did not commit.

A recently published study by Melissa Russano and her colleagues demonstrates the effectiveness of psychologically-based interrogation techniques. As noted in the study's abstract:

The primary goal of the current study was to develop a novel experimental paradigm with which to study the influence of psychologically-based interrogation techniques on the likelihood of true and false confessions.

The paradigm involves guilty and innocent participants being accused of intentionally breaking an experimental rule, or “cheating.” In the first demonstration of this paradigm we explored the influence of two common police interrogation tactics: minimization and an explicit offer of leniency, or a “deal.” Results indicated that guilty persons were more likely to confess than innocent persons, and that the use of minimization and the offer of a deal increased the rate of both true and false confessions.
 (Russano, Meissner, Narchet, & Kassin, 2005, p. 481)

The table below shows the percentages of “factually guilty” and “factually innocent” subjects who confessed to cheating in the Russano study. Note that the participants in this study—university students—were not especially vulnerable individuals and were not subjected to lengthy interrogation or questionable tactics (e.g., fabricated evidence of guilt).

<i>Condition</i>	<i>Guilty</i>	<i>Innocent</i>
No tactic	46%	6%
Deal	72%	14%
Minimization	81%	18%
Minimiz + Deal	87%	43%

Social Influence and Decision Making

To understand why psychologically-based interrogation techniques are so effective, it is helpful to have an understanding of social influence and decision making. Social psychologists have demonstrated that an authority figure can persuade ordinary people to administer apparently lethal shocks to an innocent subject (Milgram, 1974), and an experimenter can induce volunteer subjects to behave in ways that are seemingly self-injurious such as plunging their hand into concentrated acid (Orne & Evans, 1965). In these studies, experimenters repeatedly prompt subjects to comply with their dubious requests. In addition, they lead subjects to believe that they will not be morally responsible for their behavior. Similarly, police interrogators are typically unrelenting and imply that the suspect is not morally blameworthy by minimizing the moral seriousness of the offense, blaming the victim, or suggesting a noncriminal intent behind the act (see Inbau, Reid, Buckley, & Jayne, 2004, pp. 244, 254, 285). In short, when individuals are placed in a powerful social situation that shapes their psychological reality for them, they can be led to act in ways that are counter to their best interests or the interests of others.

Distinguishing between True and False Confessions

The police sometimes target innocent suspects and subject them to psychologically powerful situations that are designed to increase compliance. As a result, innocent persons will sometimes confess to crimes they did not commit. Such a state of affairs is clearly undesirable, yet the problem of false confessions may not be a crucial problem if false confessions can be detected and corrected by law enforcement or judicial authorities. Essential to this presumed safeguard is the commonsense assumption that "I'd know a false confession if I saw one" (Kassin, 2005).

Can individuals (e.g., police officers, judges, jurors) distinguish between true and false confessions? The available evidence suggests the answer is no. In a recent experiment, students performed no better than chance when they attempted to distinguish the confessions of guilty and innocent mock suspects (Lassiter, Clark, Daniels, & Soinski, 2004). In a similar experiment, police officers and students performed no better than chance when they attempted to distinguish the true and false confessions of prison inmates, although the police were more confident in their performance (Kassin, Meissner, & Norwick, 2005). In this study, police officers who were specially trained in interrogation techniques exhibited a false alarm bias. That is, they were more likely than other officers to identify a false confession as true than to make the opposite kind of error (i.e., identify a true confession as false).

Saul Kassin, America's leading expert on the psychology of confessions, recently wrote:

Recent research suggests that actual innocence does not protect people across a sequence of pivotal decisions: (a) In preinterrogation interviews, investigators commit false-positive errors, presuming innocent suspects guilty; (b) naively believing in the transparency of their innocence, innocent suspects waive their rights; (c) despite or because of their denials, innocent suspects elicit highly confrontational interrogations; (d) certain commonly used techniques lead suspects to confess to crimes they did not commit; and (e) police and others cannot distinguish between uncorroborated true and false confessions. It appears that innocence put innocents at risk. (Kassin, 2005, p. 215)

An Assessment of Brendan Dassey's Statements

I reviewed the materials you provided to me that are pertinent to the reliability of statements made by Brendan Dassey to the police on February 27, March 1, and May 13, 2006. I reviewed the documents and recordings listed below.

- Two audio CD's of Brendan Dassey's interview at Mishicot High School on February 27, 2006
- Transcript of February 27, 2006, interview at Mishicot High School (STATE 4510-4554)
- Transcript of February 27, 2006, video interview at Two Rivers Police Department (STATE 4555-4583)
- Three video DVD's of Brendan Dassey's interview at Manitowoc County Sheriff's Department on March 1, 2006

- Transcript of March 1, 2006, interview at Manitowoc County Sheriff's Department (STATE 4596-4748)
- Two video DVD's of Brendan Dassey's interview at Sheboygan County Juvenile Detention Center on May 13, 2006.
- Transcript of May 13, 2006, interview at Sheboygan County Juvenile Detention Center (STATE 7267-7377)
- "Confidential Psychoeducational Report" of Brendan Dassey, prepared on October 30, 2002, by Kris Schoenberger-Gross for the Mishicot School District
- "Speech and Language Report" of Brendan Dassey, prepared in September 2005 by Amy A. LaFave for the Mishicot Public Schools

Brendan Dassey's Vulnerability

There are several indications that Brendan Dassey is a vulnerable individual who, if pressured by police, might offer unreliable statements. First, Brendan was 16 years old at the time he made incriminating statements to the police. Second, according to the school report prepared by Ms. Schoenberger-Gross, Brendan's cognitive abilities are "below average" to "well below average." Moreover, Brendan exhibits extremely poor memory skills in terms of short-term memory (2nd percentile), memory for words (1st percentile), and working memory (5th percentile). Third, according to the report prepared by Amy LaFave, Brendan "appeared insecure and hesitant when responding to questions" and needs to learn to "ask for clarification if he is confused or if the situation is unclear."

The February 27, 2006, Interview at Mishicot High School

In this interview, Officers Fassbender and Wiegert warned Brendan that he was in a precarious legal position and then portrayed themselves as Brendan's emotional allies and support system. On page 442, Fassbender said, "We've got people back at the sheriff's department, district attorney's office and ... they're talking about trying to link Brendan Dassey with this event ... and Mark and I are both going, well ah, he's a kid, he had nothing to do with this." On page 443, Fassbender said, "We've gotten a lot of information and you know some people don't care, some people back there say no we'll just charge him ... you can make it look however you want ... I wanna be here for you. There's nothing I'd like more than to come over and give you a hug cuz I know you're hurtin' ... I promise I will not let you high and dry, I'll stand behind you." Wiegert said, "We both will, Brendan. We're here to help ya."

Fassbender and Wiegert portrayed themselves as having specialized knowledge and psychological acumen. They also suggested to Brendan that he had a painful guilty conscience. For example, on page 440, Fassbender said, "I know something's bothering ya ... and it's gotta be laying real real heavy on ya." On page 443, Fassbender said to Brendan, "By your look I can tell you know of something, you saw something or somebody, somethin's laying heavy on ya. We wouldn't be here bothering you if we didn't know that." On page 446, Wiegert said, "... this whole thing is bothering you and the rest of your family, but you'll never get over it unless you're honest about it, cuz this will bug you 'til the day you die, unless you're honest about it."

Fassbender and Wiegert repeatedly pressured Brendan to say that he saw or knew certain things. On page 451, Fassbender said, "We know you saw some flesh ... I know you saw it ... Tell us ... Tell us what you saw. You saw some body parts ... tell us what you saw." On page 456, Wiegert said, "I've been told that you and Steve talked about the body in there, OK, that's what I was told, and I believe that. You guys did talk about it, didn't ya?" On page 462, Wiegert said, "I heard he told you something about that. I heard he told you how he cleaned things up. Be honest now."

Fassbender and Wiegert repeatedly implied to Brendan that he was not responsible for any criminal acts that might have occurred. On page 451, Wiegert said, "It's not your fault. Remember that." And Fassbender immediately said, "Yeah, it's not your fault." On page 453, Fassbender said, "You've done nothing wrong." Also on page 453, Wiegert asked, "Did you help him put that body in the fire? If you did, it's OK."

Fassbender and Wiegert repeatedly attempted to shape Brendan's statements in terms of specific content. For example, on page 441, Fassbender asked, "What did you see in the fire?" Brendan replied, "Some branches ... a cabinet and some tires." Then Fassbender asked, "Mmhuh. Did you see any body parts?" On page 452, Fassbender said, "I find it very hard that you didn't see a skull or the head. Did you see part of the head or face or skull?" On page 470, Fassbender said, "... there are some things that we feel you should probably add to your statement." On the next page, he said, "That would probably be a good thing to add to your statement." On page 472, Fassbender said, "Could you indicate that the body appeared to be whole? Or however you want to put it in your words."

Fassbender and Wiegert praised and rewarded Brendan when he pleased them in some way. For example, on page 471, Fassbender said, "Brendan, I think you did a real good job about writing" [*the incriminating statement*]. On page 477, Fassbender said, "I'm extremely proud of you ... I truly believe you're one hell of a kid." Wiegert said, "And that goes for both of us. We both believe that." On page 480, Wiegert said, "Good job. Do you have any questions, buddy?" On page 482, Wiegert said, "I'm proud of you." At the conclusion of the interview, Fassbender and Wiegert made arrangements for Brendan and his mother to stay overnight at the Fox Hills Resort.

The February 27, 2006, Interview at Two Rivers Police Department

In this interview, Officer Wiegert informed Brendan of his Miranda rights (on page 484). Wiegert implied that the reading of the rights was a mere formality when he said, "I have to read you your rights. It's just what we have to do." Wiegert did not ask Brendan if he understood his Miranda rights. Instead, he simply read a list of printed statements (e.g., "I do not want a lawyer"). Wiegert then asked Brendan, "Do you agree with that?" Brendan replied, "Yeah." From a linguistic perspective, the meaning of Brendan's reply is unclear. Was he agreeing to waive his Miranda rights? This seems unlikely because Brendan was never asked if he understood his rights or waived his rights. Perhaps Brendan was merely agreeing with the last statement read to him: "No promises or threats have been made to me and no pressure of any kind has been used against me."

Wiegert administered a truth-or-lie ceremony (on page 485) to determine if Brendan was able to distinguish between true statements and false statements. The truth-or-lie ceremony is part of the standard protocol when one interviews child witnesses. Wiegert also told Brendan to say "I don't know" if he did not know the answer to a question. This instruction also is part of the standard protocol.

In response to direct questions from the officers, Brendan frequently offered answers that were vague or "wishy-washy." For example, on page 497:

Fassbender: Was there still skin on there, on her toes and feet?
Brendan: Yeah.
Fassbender: What, what color was it?
Brendan: Like peach to white or something like that.

Vague or "wishy-washy" responses are consistent with someone who does not have real knowledge but makes an effort to produce answers that sound plausible.

Fassbender and Wiegert frequently asked leading questions and suggested particular responses to questions. Brendan often used one of the suggested answers as his own, perhaps because he assumed the police would not suggest implausible alternatives. For example, on page 496:

Wiegert: What was it, a T-shirt or a button-up shirt or what type of shirt?
Brendan: Like a button-up shirt.

On page 508:

Wiegert: How did that come about? I mean did he say there was a struggle or something? Or what did he say?
Brendan: Yeah, there was a struggle.

The March 1, 2006, Interview at Manitowoc County Sheriff's Department

In this interview, Officer Wiegert informed Brendan of his Miranda rights (on page 526) and asked Brendan if he understood each of the rights. Brendan agreed that he did, but the officers did not test Brendan to determine the degree to which he actually understood his legal rights. The officers surely knew—or should have suspected—that Brendan is an agreeable, compliant young man of limited intelligence. As a result, the officers should have assessed Brendan's genuine understanding of his rights by asking Brendan to paraphrase them in his own words.

On page 527, Wiegert said, "... if you play it right, who knows, maybe we'll get you back as soon as we can." On page 540, Fassbender said, "We just need to hear the whole story from you. As soon as we get that and we're comfortable with that, I think you're gonna be a lot more comfortable with that. It's going to be easier on you down the road,

ah, if this goes to trial and stuff like that." Statements like these imply a *quid pro quo*. It is almost as if the officers said, "Brendan, if you tell us a story that coincides with what we think happened, things will go easier and better for you."

In this interview, the officers used several standard interrogation tactics: (1) they confronted Brendan with evidence of his guilt; (2) they sought to minimize Brendan's moral culpability; and (3) they developed a psychological theme to be used throughout the interview. The theme was one of "honesty," but it seems the actual meaning of "be honest with us" was "tell us something that conforms to our theory of the crime."

Wiegert confronted Brendan (on page 541) when he said, "We know there's some things you left out ... We pretty much know everything."

Here are just two examples of minimization. On page 540, Fassbender said, "... from what I'm seeing ... I'm thinkin' you're all right. OK, you don't have to worry about things." On page 552, Wiegert said, "Let's be honest here Brendan. If you helped him, it's OK, because he was telling you to do it. You didn't do it on your own."

Here are several examples of theme development. On page 541, Wiegert said, "Honesty here Brendan is the thing that's gonna help you ... Honesty is the only thing that will set you free. Right? ... We really need you to be honest this time with everything, OK. ... As long as you be honest with us, it's OK. If you lie about it that's gonna be problems." On page 543, Wiegert said, "... remember this is very important cuz we already know what happened that day, OK. Let's just be honest here OK, Brendan." Also on page 543, Fassbender said, "... be honest, cuz we're gonna, we're gonna be able to tell when you're not being honest." On page 561, Wiegert said, "We already know Brendan. We already know. Come on. Be honest with us. Be honest with us."

When the officers were displeased with something Brendan said, they sometimes re-introduced the honesty theme and threatened to withdraw support. For example, on page 547:

- Fassbender: What's goin' on? Let's take it through honestly now.
Wiegert: Come on Brendan. Be honest. I told you before that's the only thing that's gonna help ya here. We already know what happened.
Fassbender: We don't get honesty here, I'm your friend right now, but I gotta believe in you and if I don't believe in you, I can't go to bat for you.

As in the first interview, the officers sometimes asked leading and suggestive questions. On page 544:

- Fassbender: You saw her and him on the porch and they were what?
Brendan: They were talking.
Fassbender: And then what did you do?
Brendan: I walked in my house.

Fassbender: And they were just talking, were they doing anything else? Were they screaming, fighting, talking, pushing, anything?

On pages 558 and 559:

Wiegert: What kinda rope?

Brendan: Like, ah, like that round.

Wiegert: Something you'd use for clothesline? That type of thing?

Brendan: Yeah.

As in the first interview, the officers repeatedly attempted to shape Brendan's responses.

On page 548:

Fassbender: Whose car was in the garage? Tell me the truth.

Wiegert: We already know. Just tell us. It's OK.

Fassbender: The truth, that's its so easy to tell the truth. It's hard ta make things up.

Brendan: Her jeep.

Fassbender: That's right.

Wiegert: Her jeep was in the garage, wasn't it?

On page 552:

Wiegert: Why did he have you come over there? He needed help, didn't he? What did he need help with? Go ahead and tell us.

Brendan: Probably to get rid of the body. [Note the imprecision of the response.]

Wiegert: Yeah.

On pages 554 and 555:

Wiegert: Why was he pee'd off at her?

Brendan: I don't know. [Note that the officer did not honor Brendan's response, even though the officer had told Brendan earlier to say "I don't know" when he did not know the answer to a question.]

Wiegert: I think he probably told ya. So just be honest. We already know. [At this point, Wiegert moved closer to Brendan and tapped his knee, a tactic designed to increase the likelihood of a compliant response.]

Sometimes the officers used repeated and persistent questioning to shape Brendan's responses. On page 620:

Fassbender: Did Steven tell ya what he did with those things?

Brendan: No.

Fassbender: I need ya to tell us the truth.

Brendan: Yeah.

Fassbender: What did he do with her possessions?

Brendan: I don't know.

Wiegert: Brendan, it's OK to tell us, OK. It's really important that you continue being honest with us. OK, don't start lying now. If you know what happened to a cell phone or a camera or a purse, you need to tell us ... Do you know what happened to those items?

Brendan: He burnt 'em.

On page 603, there is an especially useful illustration of how the police officers "led" Brendan to report specific details (in this instance, about what Steven Avery did) that conformed to their theory of the crime. Please note that the officers apparently assumed that Brendan, who has demonstrably poor memory skills, could remember an action—raising a car hood—that (1) took place four months earlier, (2) was committed by another person, and (3) was seemingly insignificant at the time.

Fassbender: I wanna back ya just a bit, you're down at the car, and you're hiding the car, right? (Brendan nods "yes") Do you recall him taking the plates off?

Brendan: Yeah.

Fassbender: OK, what else did he do, he did somethin' else, you need to tell us what he did, after that car is parked there. It's extremely important. (pause)
Before you guys leave that car.

Brendan: That he left the gun in the car.

Fassbender: That's not what I'm thinkin' about. He did something to that car. He took the plates and he, I believe he did something else in that car. (pause)

Brendan: I don't know.

Fassbender: OK, did he, did he, did he go and look at the engine, did he raise the hood at all or anything like that? To do something to that car?

Brendan: Yeah.

Fassbender: What was that? (pause)

Wiegert: What did he do, Brendan? It's OK, what did he do?

Fassbender: What did he do under the hood, if that's what he did? (pause)

Brendan: I don't know what he did, but I know he went under.

Fassbender: He did raise the hood? (Brendan nods "yes") You remember that?

Brendan: Yeah.

In this interview, the officers sometimes appeared to be frustrated with their lack of progress and the inconsistencies in Brendan's statements. On these occasions, the officers continued to pressure Brendan to construct a narrative that was consistent with their beliefs and assumptions about what happened. An example appears on page 568:

Fassbender: Take me from there and be honest so we don't have ta keep backing up here. Cuz, we know, but we need it in your words. I can't, I can't say it.

Wiegert: Brendan, I already know. You know we know. OK. Come on buddy. Let's get this out, OK?

A lengthier illustration of how the officers shaped Brendan's statements can be found in the pages leading up to page 587. Beginning on page 578, Wiegert said several times, "We know he [Avery] did something else to her, what else did he do to her?" In response

to these prompts, Brendan first said that Avery stabbed the victim in the stomach and then said Avery choked her. On page 584:

Wiegert: What else did he do to her? We know something else was done. Tell us, and what else did you do? Come on. Something with the head. [Brendan had not mentioned the head up to this point.] Brendan?

A bit later, in response to Wiegert's question, Brendan said Avery cut off the victim's hair. A few moments later, on page 585:

Fassbender: What else was done to her head?
 Brendan: That he punched her.
 Wiegert: What else? (pause) What else?

On page 586:

Wiegert: What did he make you do, Brendan? It's OK, what did he make you do?
 Brendan: Cut her [*throat*].

Finally, on page 587:

Wiegert: So Steve stabs her first and then you cut her neck? (Brendan nods "yes")
 What else happens to her in her head?
 Fassbender: It's extremely, extremely important you tell us this, for us to believe you.
 Wiegert: Come on Brendan, what else? (pause)
 Fassbender: We know, we just need you to tell us.
 Brendan: That's all I can remember.
 Wiegert: All right, I'm just gonna come out and ask you. Who shot her in the head?
 [*The police knew the victim had been shot in the head. If Brendan was not involved, he would not have known about this.*]
 Brendan: He did.
 Fassbender: Then why didn't you tell us that?
 Brendan: Cuz I couldn't think of it.

As in the first interview, Brendan sometimes appeared to guess in response to officers' questions. For example, on page 605:

Wiegert: Which finger was it [*a scratch*] on, do you remember?
 Brendan: Mmm, probably this one.
 Fassbender: Was it bleeding?
 Brendan: It was just bleeding a little bit.
 Wiegert: How'd he get that scratch? (pause)
 Brendan: Probably when he was under the hood.

On page 667, after Brendan had said he raped, stabbed, and helped to kill Teresa Halbach, he asked, "Am I gonna be at school before school ends?" Brendan's question

strongly suggests that he did not fully appreciate the significance of his statements or the consequences of those statements for his immediate and long-term future. If Brendan was innocent and had faith in the competence and thoroughness of the police, he may have assumed that he would not be harmed by his false statements because the real truth would come out eventually and he would be exonerated.

Finally, on page 672, Brendan asked his mother what would happen if Avery's story was different from his, if Avery said Brendan did not do anything.

Barb Janda: Did you? Huh?
Brendan: Not really.
Barb Janda: What do you mean not really?
Brendan: They got to my head.

These statements suggest that Brendan did not actually do or see some of the things he reported during the interview—and that Brendan suspected he may have been psychologically manipulated by the investigating officers.

The May 13, 2006, Interview at Sheboygan County Juvenile Detention Center

This interview occurred two-and-a-half months after the March 1 interview. At the beginning of the interview, before intense questioning by the police, Brendan provided a free narrative account in which he implicated himself in the rape and murder of Teresa Halbach. In his statement, Brendan implied that he did not initiate actions but complied with Steven Avery's commands.

Throughout this interview, Officers Fassbender and Wiegert asked leading questions. Leading questions can produce unreliable statements, especially when a witness or suspect is highly suggestible to the influence of authority figures. For example, on page 810:

Wiegert: And you helped him with that, right.
Brendan: Yeah.

On page 811:

Wiegert: Where is her underwear and bra? Just tell me that. OK. Where is that? Where is it? Is it at your house? [leading] Where is it?

On page 817:

Wiegert: At what point did you put her cell phone and camera and purse and stuff in the burn barrel? [Prior to this point, Brendan had not said anything about putting Teresa's belongings in the burn barrel.]

As in the earlier interviews, Officers Fassbender and Wiegert pressured Brendan to provide "appropriate" answers to their questions. For example, on page 774, Wiegert said, "We asked you before about the clothes, OK? You're lying to me when you're tellin' me you don't know where the bra and panties are. OK. I can tell that. Where are the bra and panties?"

On page 770:

Wiegert: What is she saying during this?
Fassbender: Or was he saying? What's he telling her, Brendan?
Wiegert: Come on, Brendan. What's he telling her at this time? We know there's some talking going on, OK. We, we know that.

On pages 790 and 791:

Fassbender: Did you cut her hair off?
Brendan: Yeah.
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.

In Brendan's mind, he may have believed that it was more desirable to say something than to say nothing. He may have been relatively unconcerned about the accuracy of his statements because, in his mind, the officers already knew what happened and would correct him if he was mistaken.

In this interview, the officers learned that Brendan had been inconsistent in his responses to their questions. For example, on page 779:

Wiegert: You told us in another interview that you cut her throat. Did you cut her throat?
Brendan: No.
Wiegert: Why did you tell us that? Brendan, why did you tell us that?
Brendan: Too nervous.

On pages 785 and 786:

Fassbender: Do you use that creeper thing?

Brendan: No.
 Fassbender: Why did you tell us that?
 Brendan: I don't know.

The officers apparently did not consider the possibility that their pressure tactics might have pushed Brendan to say things that were beyond his scope of knowledge.

At various points in the interview, the officers threatened to leave the room and terminate the interview if Brendan did not "tell the truth." If Brendan hoped to maintain a good relationship with the police, he would have been motivated to satisfy the officers and keep them in the room. For example, on page 783:

Fassbender: 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.

On page 788:

Fassbender: See, I can't believe that now. I'm sorry. Your mom wasn't home. Your mom was at Scott's.
 Wiegert: Brendan, do you want us to walk out of here? Is that what you want? Then quit lying to us.

On page 792:

Fassbender: I just about had enough and I'm, I'm gonna leave and I'm gonna take Mark with me ...
 Wiegert: You got one more chance to tell the truth or we're done. Got it?

At times in this interview, the officers pressured Brendan to give specific answers to their questions. For example, on page 826:

Wiegert: What did he use to clean it [*a knife*]?
 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.

Conclusion

Before I comment on the reliability of Brendan Dassey's statements, I would like to address a related issue. The investigators in this case seem to believe that human memory operates like a videotape recording system and that a person can simply "replay" his memory of earlier events. This view of memory is inaccurate. Scientists have known for many years that individuals do not record events in memory as a videotape recorder would, and recall of information is not akin to pushing the "playback" button on a VCR. The situation is much more complex. Most memories are not permanent. Memories decay over time and are often distorted by intervening events. When we recall a witnessed event, we typically fill in gaps with assumptions and inferences. Indeed, we sometimes interweave newly acquired information into our memory of an event. In important ways, "re-membering" is "dis-membering" in reverse. In short, memory is a constructive process and highly prone to error (Loftus, 1979/1996).

In my opinion, there are reasons to believe that Brendan Dassey's statements may not be wholly reliable or truly voluntary. Brendan is a vulnerable individual due to his low intelligence, poor memory skills, and passive demeanor. The police repeatedly pressured Brendan to provide them with details that conformed to their theory of the crime. Brendan's statements were often inconsistent, ambivalent, and self-contradictory. In sum, there are many reasons to question the trustworthiness and voluntariness of Brendan Dassey's so-called "confession."

This concludes my report. Please call me at 608-363-2282 if you have any questions.

With best regards,

Lawrence T. White

Lawrence T. White, Ph.D.
Professor of Psychology and Legal Studies

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Interview of:

Brendan Dassey
Mishicot High School
02/27/06

Reporting Officers:

Inv. Mark Wigert
Special Agent Tom Fassbender

FASSBENDER: Mark's obviously laying out a tape recorder on the table um we'd like to tape the interview, um OK, no problem with that, if that's all right. Um, you're not under arrest, you know that. You're free to go at anytime you want. Ah, just listen to us, you don't have to answer any questions if you don't want to and stuff like that, OK? Um and I, I would really appreciate if you would just kinda relax and open up with us. We're not here ta, ta jump in your face or get into ya or anything like that. I know that may have happened before and stuff like that, we're, we're not here to do that. We're here more ta maybe let you talk or talk to you a little about how you've been feeling lately and stuff. I, I have a feeling there's some things on your mind and I just want to give you that opportunity to talk about um. I want you to talk to us, talk about what you're thinking about, feeling maybe. I know something's bothering ya, and you know that, and it's gotta be laying real real heavy on ya.

WIEGERT: You've had a tough go of it lately I'd imagine huh?

BRENDAN: Yeah

WIEGERT: We definitely understand that.

FASSBENDER: We're not here to hurt anyone, we just, you know if you, you got a chance to meet Teresa's mother and stuff, you've got to know them a little and you'd know that they were decent people too, and just like I think your brother's are and your mom is and people don't realize that because all the bad press and stuff. And that's all we're, we're thinking about, just to bring justice, no matter how hard or how much it hurts. Ah, for, for Teresa. This feels pretty awkward, but go ahead and tell us what's been bothering ya.

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BRENDAN: That he's, that he's gone and I can't see him

FASSBENDER: That Steve is gone? You're pretty close with Steve?

BRENDAN: I helped him fix his cars and that

FASSBENDER: mmhuh, I kinda figured that was part of it. Were you probably the closest to him as opposed ta like your brothers and stuff?

BRENDAN: Well me and Blaine were.....

FASSBENDER: Yeah, Blaine would hang around Steven a lot too? Have you been able to go up and visit him at all?

BRENDAN: Well I tried, but I, I couldn't get in cuz I didn't have my like identity cards.

FASSBENDER: Oh. You talk to him on the phone much?

BRENDAN: No.

FASSBENDER: How's your mom doing?

BRENDAN: Pretty good.

FASSBENDER: Anything else bothering you?

BRENDAN: Not really.

FASSBENDER: No. Brendan, we know that, that Halloween and stuff you were with him and, and helped him tend to a fire and stuff like that behind the garage and stuff and, anything that you saw that night that's been bothering ya? And if you built the fire, and we believe that's, that's where Teresa was cooked. And if you were out there by the fire and stuff, and by your own words you went and got that, that seat out of a, the vehicle seat remember that one, brought it over and someone put it on the fire, did you put that seat on the fire or him?

BRENDAN: We both did.

FASSBENDER: What did you both grab it and put it, put it in the fire? What did you see in the fire?

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BRENDAN: Some branches.....a cabinet and some tires.....

FASSBENDER: mmhuh. Did you see any body parts?

BRENDAN:

FASSBENDER: You know if you think you saw something in the fire, and it's bo, starting to bother you, or you're feelin' bad about it, the only way it's ever gonna end is if you talk about it. I, I gotta believe you did see something in the fire. You wanna know why I believe that? Because Teresa's bones were intermingled in that seat. And the only way her bones were intermingled in that seat is if she was put on that seat or if the seat was put on top of her.

FASSBENDER: As I said, we're not gonna say you did and we're not gonna say you didn't, we're not here to ... We're here to give you the opportunity to come forward, to talk to us about what you did see, encountered out there that night. We want to know, a lot, a lot of the reason that we're doing this is because, how old are you 16, 17? You're a kid, you know and we got, we've got people back at the sheriff's dept., district attorney's office, and their lookin' at this now saying there's no way that Brendan Dassey was out there and didn't see something. They're talking about trying to link Brendan Dassey with this event. They're not saying that Brendan did it, they're saying that Brendan had something to do with it or the cover up of it which would mean Brendan Dassey could potentially be facing charges for that. And Mark & I are both going well ah he's a kid, he had nothing to do with this, and whether Steve got him out there to help build a fire and he inadvertently saw some things that's what it would be, it wouldn't be that Brendan act-actually helped him dispose of this body. And I'm looking at you Brendan and I know you saw something and that's what killing you more than anything else, knowing that Steven did this, it hurts. Whether it was an accident that Steven did it by, however it happened, he's, he's gotta deal with that. Truthfully, I don't believe Steven intended to kill her. I don't know how it happened, only Steven knows how it happened, and potentially you. Do you know how it happened? What did you see in that fire?

BRENDAN:some black.....some garbage bag on there.

FASSBENDER: Umhm, and what was in the garbage bag?

BRENDAN:

FAASSBENDER:garbage bag and they were plastic? Plastic melts pretty quick right.....

BRENDAN: Well, I would burn the garbage

FASSBENDER: Where did you get those bags from?

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BRENDAN:from his garage ... he was saving it for a bonfire

FASSBENDER: mmhuh.

BRENDAN: Cuz we invited some friends over but they cancelled.

FASSBENDER: Yeah, I know how hard this is, you know that you saw him put some garbage bags on, but I can look, I can't see in your eye, but by your look I can tell you know of something, you saw something or somebody, somethin's laying heavy on ya. We wouldn't be here bothering you if we didn't know that. We've gotten a lot of information and you know some people don't care, some people back there say no we'll just charge him. We said no, let us talk to him, give him the opportunity to come forward with the information that he has, and get it off of his chest. Now make it look, you can make it look however you want, ... really care,tell us what you knew that way you don't have to feel bad for Steven you have to tell the truth. You have no choice in that, someone had killed someone and like I said I don't think Steven intended to do it, but it happened. He still has to pay the price for that..... I hope you understand that. He didn't do the right thing. How are you going to live with yourself the rest of your life knowing what you know. And I've got ... kids somewhat your age, I'm lookin' at you and I see you in him and I see him in you, I really do, and I know how that would hurt me too. I know how much he would hurt because of what he did know and how, how he felt for the person and what he saw and what he knows. I'm not here, like I said I'm not here to.....I'm not, I here to give you the opportunity to get this off your chest. Mark and I, yeah we're cops, we're investigators and stuff like that, but I'm not right now. I'm a father that has a kid your age too. I wanna be here for you. There's nothing I'd like more than to come over and give you a hug cuz I know you're hurtin'. Yes I do wanna give justice to, to this and to the Halbachs too. You wanna tell me what you saw and what you heard, cuz I know that something is, it's intensely bothering you. Talk about it, we're not just going to let you high and dry, we're gonna talk to your mom after this and we'll deal with this, the best we can for your good OK? I promise I will not let you high and dry, I'll stand behind you.

WIEGERT: We both will Brendan. We're here to help ya.

BRENDAN: Well I know that he.....

FASSBENDER: ... and that's nice to know. It's not something that, that I mean we knew that. I'm more interested in what you probably saw in that fire or something. We know she was put in that fire, there's no doubt about it. The evidence speaks for itself. And you were out there with him. And unfortunately I'm afraid you saw something that you wished you never would have seen. You know, I mean, and that's what we need to know. We get that off your chest and we can move forward. That's the important thing we need to, to get out right now, for you. Cuz you're having a tough go of it, and it's not just cuz' you can't see Steve but what you saw. Did

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you see a hand, a foot, something in that fire? Her bones? Did you smell something that was not too right?

BRENDAN: Well we weren't there for longpicking up the stuff

FASSBENDER: You were both there, you and Steven? Was it just you going around with the cart to get the stuff?

BRENDAN: Yeah.

FASSBENDER: Tell me this, when, when you, I mean you, you got home from school and stuff, w-were you there when the fire started or did you come out after the fire was going pretty good?

BRENDAN: He had it started.....

FASSBENDER: And then were there tires on it before you got out there?

BRENDAN: No just branches.....

FASSBENDER: And then what time did you go in the house that night about?

BRENDAN: About 10:30

FASSBENDER: And was he still out there then?

BRENDAN: He was out there till like.... my brother came home and said he

FASSBENDER: And what brother is that?

BRENDAN: Blaine

WIEGERT: You said you went in at 10:00 or 10:30?

BRENDAN: 10:30

WIEGERT: All right.

FASSBENDER: And that same night, did you help him push a vehicle somewhere too?

BRENDAN: Yeah I did

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FASSBENDER: And what did you do with that, was that a Suzuki? And where did you push that?

BRENDAN: He had it outside, I just pushed it into the garage.

FASSBENDER: His garage?

BRENDAN: Yeah.

FASSBENDER: And what else was in that garage at that time?

BRENDAN: His moped.

FASSBENDER: He had a moped in there? Anything else?

BRENDAN:snowmobile.....his lawnmower

FASSBENDER: No other vehicle? (PAUSE). Can you tell me some other things?

BRENDAN:

FASSBENDER: You saw? Didn't see anything in that fire?

WIEGERT: What was in the garbage bags?

BRENDAN: Paper plates, soda bottles

WIEGERT: Were they heavy?

BRENDAN:

FASSBENDER: Did you help carry them out or?

BRENDAN:I carried one out

FASSBENDER: Out of the house or garage?

FASSBENDER: What else is botherin' ya?

BRENDAN: Trying to find a girlfriend

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FASSBENDER: mmhuh

BRENDAN: Tried to get a hold of ... girlfriend

FASSBENDER: Did you just breakup?

BRENDAN:she broke up with me.

FASSBENDER: Did she say why? Nothing to do with this, is it?

BRENDAN:

FASSBENDER: Well I hope you're gettin' over that. Just a girl, you'll find others, right? Talk to your mom about it at all? Did she say the same thing, find other girls?

BRENDAN: My mom told me that times heal.

FASSBENDER: True, time will, time will heal.

WIEGERT: Brendan, we know that Steve told you to say certain things when the police came and talked to you OK, I know that. We've been told that. What did Steve tell you to tell us?

BRENDAN: not to say stuff

WIEGERT: What kind of stuff?

BRENDAN: Like don't talk

WIEGERT: Did he tell you what to say?

BRENDAN:

WIEGERT: I heard that he did. I heard, and I was told Brendan Steve told you what to say and what not to say because it was you and him out by that fire. I know you and him knew what was going on there. It's really important that you be honest here OK? Everybody gets an opportunity with Tom and I OK, and we want to give you that opportunity to be honest. We want to help you through this. Obviously it's bothering you, this whole thing is bothering you and the rest of your family, but you'll never ever get over it unless you're honest about it, cuz this will bug you 'til the day that you die, unless you're honest about it. But we wanna go back and tell people that, you know, Brendan told us what he knew. We wanna be able to tell people that Brendan was honest, he's not like Steve, he's honest, he's a good guy. He's gonna go places

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in this life. But in order for us to do that, you need to be honest with us and so far you're not being 100 percent honest. OK. Tom and I have been doing this job a long, long time, longer than you've been alive, and our experience and our knowledge in this job tells us that you're not being totally honest with us and there's no way that you're going to get over this and move on in your life without being honest.

FASSBENDER: You know Steven said there wasn't a fire that night. He denied that, denied that and denied that until enough witnesses came forward and said that had they seen a fire. you know that.

WIEGERT: Steve doesn't care about you right now, he cares about himself.

FASSBENDER: Unfortunately that's all Steven cares about. He left you to hang out to dry. He told you what to say when you got off the bus and what you saw. You know what you saw. You're the only one that we talked to between the other brothers, Blaine, Bobby, Bryan, that is inconsistent with what they said. Part of it's because of that cuz you like Steven, you're trying to help him, but you're misguided that way and you're trying to help him out with what you know happened and did see. I think you're starting to be honest with us about some things right now.

BRENDAN: Well, when we were up north ... he was trying to hide when the cops came and grandpa

WIEGERT: What else did he tell you?

BRENDAN: That he said he was gonna get in the car and try to get away as far as he could.

FASSBENDER:Anyone else by the fire by you that night? all night. I think there's a reason for that like Steven felt he, ah, could trust you to not say anything. fire.....and asked you to using your love, and taking advantage of that.

WIEGERT: To cover up for hurting that girl, that girl didn't do nothin'. How would you feel if that was your sister?

BRENDAN:

WIEGERT: That burn pit Brendan was no bigger than this table. OK. You know how big it was. I find it quite difficult to believe that if there was a body in that Brendan that you wouldn't have seen something like a hand, or a foot, a head, hair, something. OK. We know you saw something. And maybe you've tried to block it out but it's really important that you remember. Think back.

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FASSBENDER: I'm really.....by the garage, by the house, by the fire pit. I know you saw something. ... Mark and I both can go back to the district attorney and say, ah, ... Dassey ... came forward and finally told us. Can imagine how this was weighing on him? They'll understand that.

WIEGERT: We'll go to bat for ya, but you have to be honest with us.

FASSBENDER: Tell us the truth, exactly.

BRENDAN:

FASSBENDER: Can you get close? Can you get close ... to telling us the truth.

WIEGERT: It's OK to tell us.

FASSBENDER: It's OK, it's a big stepa step toward feeling better about yourself, to recovery, to not crying at night because of this stuff happenin'what you saw. I promise you I'll not let you hang out there alone, but we've gotta have the truth. The truth is gonna be terrible.....your mom.....

WIEGERT: We're not gonna run back and tell your grandma and grandpa what you told us or anything like that. OK.

FASSBENDER:

WIEGERT: Let's talk about it.

FASSBENDER: ..Talk to us Brendan if you want this resolved.

BRENDAN:some clothes like a blue shirt, some pants ...

WIEGERT: Where did he get the clothes from?

BRENDAN: His garage.

WIEGERT: Where in the garage?

BRENDAN:

WIEGERT: Where in the garage were they?

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BRENDAN: ...in the back..

WIEGERT: Back and on the side?

FASSBENDER: Was her car still in there when you went in there? Tell us the truth.

BRENDAN:

FASSBENDER: OK. Did you see some undergarments or anything like that? Bra?

WIEGERT: How about any shoes?

BRENDAN:

WIEGERT: Was there blood on those clothes? Be honest Brendan. We know. We already know you know. Help us out. Think of yourself here. Help that family out.

FASSBENDER: It's gonna be all right, OK.

WIEGERT: Was there blood on those clothes?

BRENDAN: A little bit

WIEGERT: OK. Where was the blood?

BRENDAN: Like.....

WIEGERT: Blood on the shirt?

BRENDAN:

FASSBENDER: You're startin' to, you're starting to get it out now OK. It'll be all right.....get it all out, it doesn't do any good to get half of it out.

BRENDAN:the fire.....said he was gonna bury it and start.....

FASSBENDER: When the fire pit got full, he was gonna bury that whole pit and start, did he have somewhere else? Where.....

BRENDAN:

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FASSBENDER: Ohh. So you had to move it from behind the garage to behind the house.
Did he say why? Did you know why?

BRENDAN:

WIEGERT: Where did he tell you those clothes came from?

BRENDAN: He said that they were.....

WIEGERT: You kinda knew better though, don't ya?

FASSBENDER: You now know better, they were girl clothes, weren't they?

WIEGERT: Were they in a bag or anything?

BRENDAN: They werebag

FASSBENDER: ... pants and shirt and anything else you saw... Had blood on the shirt?

WIEGERT: Where on the shirt was the blood? Where on the shirt was the blood?

BRENDAN: ...

WIEGERT: Was it a button down shirt?

FASSBENDER: Remember what kind of pants were they blue jean pants or...

BRENDAN:

WIEGERT: What else did he get out of the garage? Be honest OK.

BRENDAN:He had a shovel, ...

WIEGERT: OK

BRENDAN: and a rake.....he took

FASSBENDER: Go ahead

BRENDAN:

FASSBENDER: What did he do with the shovel?

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BRENDAN:

FASSBENDER: Let's go to the parts that clothes....talk about.....whenever he talked....got a feelin' that you saw something in the fire that you're trying to just

WIEGERT: It's not your fault. Remember that.

FASSBENDER: Yeah, it's not your fault.....Like I said, Mark and I are not going to leave you high and dry. I got a very, very important appointment at 3:00 today. Well I ain't leavin' for the appointment until I'm sure you're taken care oftelling the truth get this off your chest and get it out in the open ... so go ahead and talk to us about what you saw in the fire are killin' you right now.....what you see. Go ahead, go ahead.you've got to do this for yourself. I know you feel that it's gonna hurt Steven, but it's actually, actually gonna help Steven come to grips with what he needs to do. More important, this could help you. How long you thing ... are going to put up with this ... You know we found some flesh in that fire too. We know you saw some flesh. We found it after all that burned. I know you saw it ...Tell us. You don't have to worry aboutyou won't have to prove that in court. (phone rings) Tell us what you saw. You saw some body parts... You're shaking your head... tell us what you saw...

BRENDAN:

FASSBENDER: You all right? You all right? What other parts did you see?

BRENDAN: Toes

FASSBENDER: ... part of a foot too? What other parts of the body ... Did you see part of the arm, the legs? I know. It's all right ... Did you see part of her head? Skull?

BRENDAN: I seen

FASSBENDER: Okay ... a human body ... did you say anything to Steven? Was he hoping you didn't see that or what?

BRENDAN:

FASSBENDER: Where? The body parts that you saw, were they on top of tires or underneath the tires, or?

BRENDAN:

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FASSBENDER: Pardon?

BRENDAN: bottom of tires

FASSBENDER: Underneath the bottom of the tires.

BRENDAN:

FASSBENDER: Could you smell them?

BRENDAN: No ...

FASSBENDER: All right, we got, we got a lot of important stuff out there now. Take a breath. Let's go over th-the parts that you mentioned, OK, so you mentioned toes, fingers, parts of hand and feet and then what you thought maybe was stomach area or midsection or torso. Did you see any parts of the legs....parts of the legs or arms. You sure you didn't see her, her, now this is very hard, it's eas, not easy but it easier to say your saw a toe or a finger, but when you start saying to me or I saw a head or a face or hair or you know stuff like that, that's when it hurts though but I find it very hard that you didn't see a skull or the head. Did you see part of the head or face or skull?

BRENDON:somewhat.

FASSBENDER: Somewhat?

WIEGERT: I know this is hard Brendan, but can you describe what you saw when you mean somewhat?

BRANDAN: Like her forehead.

WIEGERT: Did you seen any hair?

FASSBENDER: When you say her forehead was it white bone already or was there still flesh on it?

BRENDAN: a little it of flesch.

FASSBENDER: A little bit of flesch.

WIEGERT: Were all the body parts connected yet?

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BRENDAN:

WIEGERT: Yes? Did you say yes or no? I'm not sure.

BRENDAN: Yeah.

WIEGERT: Yes

FASSBENDER: So all the body parts were pretty much connected then when you saw the toes, which means they were probably connected to the feet yet, correct? Which means the feet, foot is connected to both the legs, so I'm just going to ask this question, you're saying that you seen body part. You're pretty much, you're seeing a body? Is that accurate? You saw her body in there?

WIEGERT: Would you say yes or no for me BRENDAN?

BRENDAN: Yes.

FASSBENDER: And then the shovel and the rake were used to do, to do what?

BRENDAN:

FASSBENDER: Now you can tell me if you actually think ... you see that?

BRENDAN: Yeah.

FASSBENDER: But you did. And you never said anything to him. Have you told this to anyone? And is that what's been bothering you a lot?

BRENDAN: Yes

FASSBENDER: And, and I understand that, that's normal because you've done nothing wrong.

WIEGERT: Brendan, I'm going to ask you a difficult question, OK? Did you help him put that body in the fire? If you did it's OK.

BRENDAN:

FASSBENDER: Was the body in the fire before you got out to the fire?

BRENDAN: There was like branches.....

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- WIEGERT: When did you see it, when you first went out there or when?
- BRENDAN: Like if
- WIEGERT: So, let's just go through you, what time did you go out there?
- BRENDAN: 8:00, 9:00
- WIEGERT: What time?
- BRENDAN: 9:00
- WIEGERT: OK. So at 9:00 you go out and you go right by the fire?
- BRENDAN:
- WIEGERT: Yes?
- BRENDAN:
- WIEGERT: OK, and you see what exactly, explain to me exactly what you saw at 9:00.
- BRENDAN: Branches, tires, tires, like a garbage bag, and.....
- WIEGERT: So you went there at 9:00, you see the branches, the tires, the garbage, it's all on the fire already? Is it burning already?
- BRENDAN: Yeah.
- WIEGERT: And then you go get the car seat?
- BRENDAN: Yeah.
- WIEGERT: And how do you get that?
- BRENDAN: We put it in the back of the golf cart.
- FASSBENDER: Who's golf cart?
- BRENDAN:

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FASSBENDER: Jodi's?

WIEGERT: No, Barb's.

FASSBENDER: Barb Janda, oh yeah.

WIEGERT: OK, so you go get the, the seat and then what do you do?

BRENDAN: the big pit fire and then we got there and threw it on it

FASSBENDER: During this process, is he moving the rake, shoveling it to mix things up and stir things?

BRENDAN:

WIEGERT: So then after you throw the seat on, what happens, when do you see the body parts?

BRENDAN: Like when he's pushing it on there.

WIEGERT: He's pushing what on there?

BRENDAN: car seat

WIEGERT: OK. Tell me again what do you see in that fire?

BRENDAN: I

WIEGERT: First you see the feet? And then what?

BRENDAN: Then I looked around a little bit and I seen

WIEGERT: You saw the hands and the forehead. And then what did you see?

BRENDAN:

FASSBENDER: So you went and got some wood, came back and he ... then what did you see?

BRENDAN:

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FASSBENDER: When did you, did you ever see the body again then? What parts did you see this time?

BRENDAN:

WIEGERT: What else did you see?

BRENDAN: That's it.

WIEGERT: When did he, when did he put the clothes on the fire?

BRENDAN:

FASSBENDER: So you were still there when he went in the garage. Did you go in the garage with him to get the clothes? He brought em out?

FASASBENDER: Now earlier you said the clothes were not in the back on the far side, how did you tell that?

BRENDAN: Cuz he usually has them back there

FASSBENDER: Are you sure you didn't go in the garage with him to get the clothes?

WIEGERT: Now I- I've been told that you and STEVE talked about the body in there, OK, that's what I was told, and I believe that. You guys did talk about it, didn't ya?

BRENDAN: Yeah.

WIEGERT: What did he tell you?

BRENDAN: That I shouldn't say....

WIEGERT: OK. So you tell me how that conversation went. What did you say to him?

BRENDAN: I said why did you do it because.....and he's like.....and told me not to say nothing.

WIEGERT: Did you know who it was?

FASSBENDER: Did he say who it was?

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BRENDAN:

WIEGERT: So he said he got angry?

BRENDAN:

WIEGERT: Did he say how he did it?

BRENDAN:

WIEGERT: Did you ask him?

BRENDAN:

WIEGERT: What exactly did he say? He said he, you saw the bones and you said to him why did you do it? Or did you ask him if it was a body or how did that go?

BRENDAN: Why did he do it?

WIEGERT: OK and he said exactly what?

BRENDAN: That he, that he.....

WIEGERT: Did he tell you where he did it?

BRENDAN:

WIEGERT: What did he tell you about the truck?

FASSBENDER: You saw her car didn't ya? Her RAV4. Where was it when you saw it?

BRENDAN: On the other side of the street ...

FASSBENDER: Where did you see it later? Was it in his garage later? Did you see it in his garage?

BRENDAN:

FASSBENDER: When was the first time you went out again?

BRENDAN: At night

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FASSBENDER: At night about 9:00 you said?

WIEGERT: Where was the truck then?

BRENDAN:

FASSBENDER: Let's back up to when you go out there, did he tell you about Teresa right away or did you actually see the body before he told you?

BRENDAN: I seen the body.

FASSBENDER: And he knew you saw it, did you say something to him then or did he say something to you?

BRENDAN:is what he said.....

WIEGERT: And he also said what?

BRENDAN: He got angry and stuff

WIEGERT: And what else did he say?

FASSBENDER: Did he say how it happened, it's important.

FASSBENDER: I can't believe that he wouldn't have told you how it happened and how did he kill her.....

BRENDAN:

WIEGERT: How do you know that?

BRENDAN: Because.....

WIEGERT: I also heard that he told you how he did it, that's that's true isn't it?

BRENDON: Yeah

WIEGERT: Tell me what he told you.

BRENDON:car...the...jeep....

WIEGERT: What did he tell you he did in the jeep?

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- BRENDAN: That he tied her up and stabbed her.
- WIEGERT: Where did he say he did this?
- BRENDAN:
- WIEGERT: What else did he tell you?
- BRENDAN: He said how he tried to hide it.
- WIEGERT: How did he try to hide it, what did he tell you?
- BRENDAN: He tried to cover it with branches, a car hood
- WIEGERT: The car you're talking about, her truck? Her jeep, he tried to cover it with what?
- BRENDAN: Branches, a car hood
- WIEGERT: Did he say anything about shooting her. Tell me again how he said he killed her.
- BRENDAN: He said he tied her up and stabbed her.
- WIEGERT: Did he say where he stabbed her?
- BRENDAN:
- FASSBENDER: Did he say how he got, did he say he took her into the pit or did he kill her out by the garage or his house?
- BRENDAN:
- WIEGERT: Is that what he told you, he took her into the pit?
- WIEGERT: Yes?
- BRENDAN: Yes.
- WIEGERT: And he stabbed her where, in the truck you said?

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BRENDAN:

WIEGERT: Where's the knife that he used to stab her?

BRENDAN: In the truck under the seat.

WIEGERT: Did he show you that knife?

FASSBENDER: How do you know that wasinstead of the truck?

BRENDAN:

WIEGERT: We can't discuss that. How do you know it's in there?

BRENDAN:

WIEGERT: Did he take you down and show you the jeep? Did he tell you how he got the jeep down there?

BRENDAN: He drove it there.

WIEGERT: Which way did he drive it?

BRENDAN: Chuckie's way.

WIEGERT: Past Chuckie's house?

FASSBENDER: Does Chuck know about this?

WIEGERT: Do you think Chuck knows about this?

BRENDAN: Probably

WIEGERT: Why do you think that?

BRENDAN:

WIEGERT: You think anybody helped him?

BRENDAN:

WIEGERT: Did he tell you when he did this?

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FASSBENDER: Before you got home from school or after...Did he say anything?

BRENDAN:

FASSBENDER: When you got home you said you saw her truck out by the driveway. But did you see, did you see her? And when I say you got home, I mean from school, all right, and that was at what time do you usually get home?

BRENDAN: 3:45

FAASSBENDER: Did you notice anything else, was there a fire burning out in front of the house in the burn barrel? So you see the vehicle, you go inside and you said you played Nintendo and stuff and the next time you came out was around 9:00 ta... the fire. Going back to Mark's line of questioning, what was he gonna do with the car?

BRENDAN: Probably crush it.

FASSBENDER: Probably or did he tell you that?

BRENDAN:

WIEGERT: Did he ever tell you what he was gonna do with the car? Did he tell you anything else about the car besides that he put branches on it and, and a hood on it. Did he tell you if he did anything with the license plates?

FASSBENDER: Where did he say he hid the knife in the car?.....crush it.....something specific about that ...

BRENDON: ... under the seat

FASSBENDER: He put the knife under the seat. He told you that?

BRENDAN:

FASSBENDER: Did he, he said he got mad. Did he say why he got mad?

BRENDAN:

FASSBENDER: Did he try to have sex with her or anything and she said no and

BRENDAN:

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WIEGERT: Did he ever tell you that, it's very important, OK, cuz we had heard that he might have told you that.

BRENDAN:

WIEGERT: No? Yes or no?

BRENDAN: No.

WIEGERT: What else did he tell you about her?

BRENDAN: That she was kinda pretty.

FASSBENDER: How was he acting at the time and stuff?

BRENDAN:shook his head.....

WIEGERT: Did you see any blood on him at all?

BRENDAN:

FASSBENDER: Was he hurt?

BRENDAN:

FASSBENDER: Did you see any abrasions at all, bandaged up at all anywhere? Did he tell you that he hurt himself or she hurt him....

BRENDAN: He said he cut his finger

FASSBENDER: He said he cut his finger on what?

BRENDAN: By the garage.....he cut his finger on glass.....

WIEGERT: Did he say what he did with his clothes? Cuz there had to be blood on his clothes.

BRENDAN:

WIEGERT: Are you sure? I heard he told you something about that. I heard he told you how he cleaned things up. Be honest now, if he didn't it's OK but if he did, you need to tell

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us.

BRENDAN: ...

WIEGERT: You didn't see it, did he tell you about it?

BRENDAN:

WIEGERT: No? Say yes or no.

BRENDAN: No.

WIEGERT: OK

FASSBENDER: We had heard that he cut himself during the....Did he say that or not?
What did he say cuttin' himself during it?

BRENDAN:hurt himself

FASSBENDER: Did he say where he cut himself?

BRENDAN:

FASSBENDER: On the knife that he used to kill her, yes or no.

BRENDAN: Yeah

WIEGERT: Tell us what he told you exactly?

WIEGERT: That's OK, go ahead.

BRENDAN: That

WIEGERT: Go ahead.

FASSBENDER: Take a second, it's all right.

WIEGERT: He said that he cut himself, while he was stabbing her? Yes or no.

BRENDAN: Yes

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WIEGERT: Tell, just try to go through in your mind exactly what he told you about him cutting himself. Put it in your own words.

BRENDAN:he.....he said.....

WIEGERT: OK. Is everything you're telling me today, Brendan, the truth? Yes or no.

BRENDAN: Yes

WIEGERT: I have to ask you another difficult question. It's very important, that you to be honest with me. OK? Did you have anything to do with the death of Teresa Halbach?

BRENDAN: No.

WIEGERT: Tell me who did.

BRENDAN: Steve.

WIEGERT: And Steven did it by how again, tell me that again.

BRENDAN: That he stabbed her.

FASSBENDER: OK. Had he told you that? Yes or no?

BRENDAN: Yes

FASSBENDER: Did he say he had had a gun with a at all?

WIEGERT: Did you ask him about a gun?

WIEGERT: And he told you that he did this in her truck?

BRENDAN: Yeah.

WIEGERT: And he tied her up first?

BRENDAN: Yes.

WIEGERT: Yes?

BRENDAN: Yes.

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-
- WIEGERT: And then he stabbed her inside the truck.
- BRENDAN: Yeah
- WIEGERT: And he told you put the truck in the pit?
- BRENDAN: Yes.
- WIEGERT: And how did he get the truck in the pit again, tell me that.
- BRENDAN: He drove it.
- WIEGERT: He drove it which way?
- BRENDAN: Chuck's way, Chuck's, past Chuck's house.
- WIEGERT: Did Chuck see him?
- BRENDAN:
- WIEGERT: Honestly?
- WIEGERT: Did he say if Chuck seen him?
- WIEGERT: Did he say if anybody else saw him?
- WIEGERT: Did he tell you what he was gonna do with her truck?
- BRENDAN: That he might crush it
- WIEGERT: That he might
- BRENDAN: Start it on fire.
- WIEGERT: He might crush it or start it on fire?
- BRENDAN:
- WIEGERT: Did he tell you how he got her bloody clothes?
- WIEGERT: Did he tell you those were her clothes?

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-
- BRENDAN:
- WIEGERT: Honestly?
- BRENDAN: Yeah
- WIEGERT: What did he tell you?
- BRENDAN: That I should keep my mouth shut, they were hers
- WIEGERT: Did he threaten you?
- BRENDAN: Sort of.
- FASSBENDER: What did he say?
- WIEGERT: Tell me
- BRENDAN:stab me too.
- WIEGERT: Or else he would stab you too?
- BRENDAN: Yeah
- WIEGERT: Go back to the clothes, he said that those were whose clothes?
- BRENDAN: Teresa Halbach.
- WIEGERT: Do you want to take a little break, get a soda? You need something to drink?
- BRENDAN: No.
- FASSBENDER: What kind? Do you want something?.....
- BRENDAN: No.
- WIEGERT: I'd like to take a little break, would you mind if we took a five minute break, is that OK, if you just sit here and relax for a bit?
- BRENDAN: OK.

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FASSBENDER: When we come back, would you mind ah writing out a statement for us? We may even write it for you if you want, but we prefer you write it out for us, OK?

WIEGERT: You did the right thing Brendan, OK.

FASSBENDER: As hard as it was. Yeah..... not you couldall right?

WIEGERT: We'll be right back OK?

FASSBENDER: Take a short break. I got Brendan a Pepsi and just to recover a little.

WIEGERT: It is now 1330 hours and Brendan you remember you are not under arrest, right? You can stop answering questions at any time. Right? Yes?

BRENDAN: Yeah.

WIEGERT: And you can walk out anytime you want. Right?

BRENDAN: Yeah.

FASSBENDER: How are you feeling? How

BRENDAN: Yeah.

FASSBENDER: You feel a little bit better than you got this out?

WIEGERT: Did you tell anybody else about this Brendan? Nobody?

FASSBENDER: Brendan. We asked right before we, we gave you your break, we asked you if you would write out a statement for this and you said yes. Is that still true?

BRENDAN: Yeah.

FASSBENDER: OK. We're gonna ask that you do that then and Mark's brought some statement forms and he's gonna to explain that to you and ah, we're going to ask you to pretty much write what you told us and what you saw and then make sure above everything else it's the truth. OK. Cuz you can imagine that people may try to question you on that. So just make sure it's the truth and you have nothing to worry about. OK?

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BRENDAN: OK.

WIEGERT: I just had a quick question, Brendan. Everything you told us prior to this about Steve and the body and the car. What day was that? Do you remember?

BRENDAN: October 31st

WIEGERT: OK.

BRENDAN: OK.

WIEGERT: I'm gonna give you this statement form here. It's pretty self-explanatory. I'm, I'm gonna let you use the pen there. You put the date in here. We'll just go line by line.

BRENDAN: What's the date today?

WIEGERT: Twenty-seventh.

FASSBENDER: Seventh.

WIEGERT: And the place where we're at right now (pause) which is Mishicot High School. The time you start this will be 1333. OK that's close enough. Actually let's circle. Is it a.m. or p.m.? p.m. OK. And then print your name, it says I, the undersigned. Print your name with middle initial.

BRENDAN: Is that cursive?

WIEGERT: I'm sorry.

BRENDAN: Is that cursive or?

WIEGERT: Um, not cur, I don't, I don't remember. It's been a long time since I've had school. Instead of, instead of writing it

FASSBENDER: Not cursive.

WIEGERT: Print it

FASSBENDER: Not cursive.

WIEGERT: long time in school. You have kids. What's your middle initial? Put that in there. OK. And then your home address? We'll put your phone number in there. How

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old you are and what's your date of birth. What do hereby make this following statement to, we'll put it ah, Investigator, and I'll spell my last name for you.

FASSBENDER: It's on the card.

WIEGERT: Oh yeah. That's, that's close enough, put a dot there, you can abbreviate if you want, and then you can just put my last name in there. Then we'll put Agent, A.G.E.N.T.

FASSBENDER: And then Fassbender which is on the card right next....

WIEGERT: You can write right over the other writing. It's not a problem. First identified himself as, ah we identified ourselves as what, before. Detectives?

BRENDAN: How do you spell that?

WIEGERT: D.E.T.E.C.T.I.V.E.S. And we'll just go down to this line, and we're just gonna have you write in there exactly what you told us before. OK. And I think you should start out with, and this is totally up to you how you want to do it, but maybe start out with when you got off the bus and then what did you see when you walked home. And then what did you do? OK? And what date it was. Put on there like on this date I saw this.

FASSBENDER: Make yourself comfortable.

(Pause)

WIEGERT: Take as much time as and as much space as you need. There's a lot of pages there.

(Long pause during statement being written)

WIEGERT: Are you finished or have more to go yet.

FASSBENDER: You can just tear that top sheet off and continue on the second

WIEGERT: What's that? You're done. OK. Can I take a look at it? OK. Tell you what I'll do is I'll just read it and then you tell me if that's what you want in there. OK. You, you've written this yourself Brendan? Is that true? Yes or no?

BRENDAN: Yes.

WIEGERT: OK, then I'm just going to read it and read what you wrote. OK?

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Is I got off the bus at 3:45 and seen her jeep down at Steven's house. Then I went in my house and played Playstation 2 for three hours and then I eat at 8:00 and I watch TV and then got a phone call from Steven, if I wanted to come over to have a fire and I did and he told me to bring the golf cart and I did. So then we went driving around the yard and got to pick up the stuff around the house. Then we dropped the seats by the fire and went to get the wood and the cabinet and then went back to throw the seat on the fire and then we waited for it to go down and throw on the wood and cabinet. Then I seen the toes before we throw the wood and cabinet on the fire. When we did that he seen me that I seen the toes he told me not to say anything and he told me that he stabbed her in the stomach in the pit and he took the knife and put it under the seat in her jeep. Is that your statement Brendan?

BRENDAN: Yes.

WIEGERT: Um, did you want to add anything in there about where he stabbed her and why he told you he stabbed her?

BRENDAN:Why he stabbed her.

WIEGERT: You told me before that she was, that he was

BRENDAN: He was angry.

WIEGERT: angry

BRENDAN: Yeah.

WIEGERT: Did you wanna add that into your statement? Yes or no?

BRENDAN: Yes.

WIEGERT: OK.

FASSBENDER: We both may ask you some questions like that ah and then ah, you want to add it to your statement, you can do so. Based on what you told us there some things that we feel you should probably add to your statement, but that's up, that's up to you.

WIEGERT: Did he say what he was angry about?

WIEGERT: Not at all. That's a yes or no.

BRENDAN: No.

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WIEGERT: No?

WIEGERT: And you told me before that he said he did something else to her, you said he tied her up and he stabbed her in the truck. Is that right?

BRENDAN: Yeah.

WIEGERT: Do you wanna add that to your statement? OK.

FASSBENDER: What did he use to tie her up with, did he say?

BRENDAN: Rope

FASSBENDER: Rope

WIEGERT: Did he say anything about duct tape?

BRENDAN:

WIEGERT: No.

(pause)

FASSBENDER: You told us that he talked to you about not talking and that he threatened you. That would probably be a good thing to add to your statement if you'd like, specifically what he said to you.

(pause)

WIEGERT: You also told us that he said she was pretty. Do you wanna add that in the statement? Yes or no?

BRENDAN: Yes.

(pause)

FASSBENDER: Brendan, I think you did a real good job about writing. You were, you were a little more detailed about what you saw in the fire and it was getting very difficult to write that, but I think it's important that you write not to just to tell what us the things that you saw in the fire about her and the clothing. Is that all right?

BRENDAN: Yeah.

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FASSBENDER: OK, thank you.

(pause)

FASSBENDER: Brendan, I just got a question and I think Mark's gonna have some too. We didn't ask this before. Did he say anything about cutting her up or anything like that or did he put her body in there whole.....?

BRENDAN: He didn't say nothing.

FASSBENDER: Brendan, you told us earlier that what you saw was the whole body right? OK. Could you indicate that the body appeared to be whole or however you want to put it in your words. And where it was located, you had said under certain items.

(pause)

WIEGERT: Did he say where he got the knife from, Brendan? Or who's knife it was? Did he say where he got it from? No?

BRENDAN: No.

WIEGERT: When he was telling you about how he stabbed her, was he laughing, enjoying it, or how was he putting it to you.

BRENDAN: He was just staring at the ground.

WIEGERT: Did he say he was sorry or anything? He just stared at the ground. Is that what you said? Yes or no.

BRENDAN: Yeah.

WIEGERT: OK.

FASSBENDER: Another thing that you had talked to us about is where he put the vehicle in the pit and what he did to the vehicle. He talked about how he hid it. Could you add that?
.....

(pause)

WIEGERT: Did he tell you where he put her in the truck?

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BRENDAN: No.

WIEGERT: OK. Now let me read, this would be page two that you added here. Is that correct Brendan?

BRENDAN: Yeah.

WIEGERT: I'll read this. Is that okay?

BRENDAN: Yeah.

WIEGERT: He was angry and that's why he did it. He told me he used rope to tie her up in the jeep and that's when he stabbed her. When he told me not to say anything, he threatened me a little bit. He said that she was pretty to him. I seen the fingers and the belly and the forehead in the fire. The body looked like it was together and it was under some tires and branches. He hid the vehicle in the pit back in the tree area.

WIEGERT: Can you, if you wish, add in there how he hid the vehicle? Did he put something on top of it? And if he did, what did he put on top of it?

(pause)

FASSBENDER: Then you told us that he put some clothing on there. Can you add what you saw as it relates to that clothing? What you told us.

(pause)

WIEGERT: OK, I'm gonna take that again and I'm gonna read what you just added Brendan. Is that okay?

BRENDAN: Yeah.

WIEGERT: He hid the vehicle in the pit back in the tree area. He put some tree branches on the top of it and put the car hood on the top of it too. He put some clothes in the fire that was blue shirt and some pants.

WIEGERT: Did you see anything on that shirt at all?

BRENDAN: Some blood.

WIEGERT: Some what?

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BRENDAN: Blood

WIEGERT: OK, you wanna add that on there if you will?

FASSBENDER: You must have talked about something elseto that shirt.

WIEGERT: Did he tell you who's shirt it was? Whose pants it was?

BRENDAN: Yeah.

WIEGERT: Whose did he tell you it was?

BRENDAN: Teresa's

WIEGERT: OK.

(pause)

FASSBENDER: Did he tell ya anything about a, a, any of her other possessions like I imagine a woman would have a purse, she probably had her cell phone, a camera to take pictures. Did he tell you what he did with those things?

BRENDAN:

FASSBENDER: Are you sure?

BRENDAN: Yeah.

FASSBENDER: What about, like the key to her car and stuff like thatin there? OK.

WIEGERT: How about a camera? Did he say anything about a camera?

BRENDAN: No.

WIEGERT: No? OK.

WIEGERT: Let me just read this last part that you added to the statement. OK.

BRENDAN: Yeah.

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WIEGERT: Some clothes in the fire pit that was a blue shirt and some pants. On the shirt there was a blood on it and there was a hole in it in the stomach area and he said it was Teresa's shirt.

WIEGERT: OK.

FASSBENDER: Is there anything that you haven't told us that you think you need to tell us? That he said or that you saw.

BRENDAN: No.

FASSBENDER: You mentioned when he was up in there that, that ah, he wanted to hide or leave and he that he said something to the effect, you said that he just wanted to go and get out of there andget far away as he could, right? Would it be all right if you added that?

WIEGERT: OK.

FASSBENDER: That's when the police were coming out there

(pause)

BRENDAN:finished.

WIEGERT: Let me take a look at it, if I could. I'm gonna continue reading what Brendan just added.

WIEGERT: He said he was going to go and leave the house and try to get as far as far as he could.

WIEGERT: OK.

FASSBENDER: Brendan, this is your statement, the written part of it. I'm mean obviously we recorded you and have taken notes. Is there anything you want to add to that statement on, on how you felt during all this, how you feel. Feel free to add anything you want as it relates to that.

WIEGERT: Do you want to add anything? OK. (pause) Feel free to go to the next page if you have to.

(pause)

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-
- WIEGERT: OK, I'm gonna read to what you just added to the second page.
- WIEGERT: I felt sad that I had to be there and to be sorry for her family.
- WIEGERT: Brendan, did we promise you anything prior to writing this statement?
- BRENDAN: Yeah.
- WIEGERT: What did we promise you?
- BRENDAN: That I could leave whenever, whenever I wanted, and I didn't have to answer any questions.
- WIEGERT: Right.
- FASSBENDER: Did we threaten you at all?
- BRENDAN: No.
- FASSBENDER: Was your statement made of your own free will?
- (side one of tape ended, tape turned over for side two)
- WIEGERT: Do you want to add that in your statement? Yes or no.
- BRENDAN: Yes.
- WIEGERT: OK.
- (pause)
- WIEGERT: I, I'll read what you added to the statement. Is that okay?
- BRENDAN: Yeah.
- WIEGERT: I make this statement and I did not get threatened to write it out and I
What is that word?
- BRENDAN: Could
- WIEGERT: and I could leave when I wanted to and I didn't have to answer any
questions.

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WIEGERT: Is that true?

BRENDAN: Yeah.

WIEGERT: OK. What I'm gonna have you do Brenden, I'm gonna have you number the pages. This would be number one and the next page would be number two and then I'm gonna have you sign here. It says signature of person giving voluntary statement. If you could sign there. And I guess you could use script on this one. I've learned something new myself today.

FASSBENDER: What's it called, Brendan?

BRENDAN: Cursive

FASSBENDER: Cursive

WIEGERT: Cursive, is that what it was? All right. And then I'm going to sign it here and Tom will sign it there. I don't know where I got script from.

FASSBENDER: It's just a new word for ya.

WIEGERT: It must be.

FASSBENDER: Brendan, before I neglect to do this, I want to say that I'm extremely proud of you and what, what you did had to be very, very difficult and you're one hell of a kid because that had ta be the hardest thing you probably ever done in your life and I don't know if I could even feel what you hadda just do and I, I truly believe you're one hell of a kid. And you need to believe that too, okay, no matter what anyone says.

WIEGERT: And that goes for both of us. We both believe that.

FASSBENDER: You told the truth. That's very hard for you to do.

WIEGERT: Do you feel better that you got that off your chest a little bit?

BRENDAN: Yeah.

FASSBENDER: I need to ask you one more question. We asked you before if you had told anyone about this. I think you need to really, you need to be honest one more time for me. Did you tell your mom?

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BRENDAN: No.

FASSBENDER: Are you sure?

BRENDAN: Yeah.

FASSBENDER: Because everything you've told us today obviously can be used in court. You understand that, right?

BRENDAN: Yeah.

FASSBENDER: And people are gonna look at your statement and stuff like that and they're gonna do some diggin' of their own and stuff and if they find out that you didn't tell us the truth about somethin' in all likelihood, you're gonna hear about it. You understand that. So you need to tell us everything now so there are no surprises and no secrets. Understand?

BRENDAN: Yeah.

FASSBENDER: Is there anything else?

BRENDAN: No.

WIEGERT: Did you tell any of your brothers?

WIEGERT: Any of your friends at school here?

BRENDAN: No.

WIEGERT: You hang out with, I know one kid in particular, who's that?

BRENDAN: Travis Fabian.

WIEGERT: Yeah. Did you tell Travis about this?

BRENDAN: No.

FASSBENDER: During the last several months were you afraid that Steven was gonna get out?

BRENDAN: Not really.

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FASSBENDER: No. If ah, now that you've made this statement, are you afraid that he would get out, for your own safety?

BRENDAN: I don't think he's gonna get out

FASSBENDER: I know but if he did would, because of what he said to you, would you be afraid?

BRENDAN: Yeah.

FASSBENDER: OK. Do you, um, why, I don't think we really have much choice, I think that I'm gonna do it no matter what you say. We need to call your mom, because I think she needs to be here, ah, t-to take you home.

WIEGERT: You don't, do you want to go back to class?

BRENDAN: No.

WIEGERT: I think maybe you wanna go home and rest a little bit. This couldn't a been easy. Well I'll tell you what, I need you to sign the second page. We'll call your ma and have her come here. OK?

FASSBENDER: Do you, do you agree with that?

BRENDAN: Well, I would like ta go to 8th hour.

FASSBENDER: Would you?

BRENDAN: Yeah.

WIEGERT: What time does that start?

BRENDAN: At 12:17.

WIEGERT: 12:17.

BRENDAN: I mean 2, 2:17.

WIEGERT: OK.

FASSBENDER: We have no problem with that. Are you all right? You all right? You're not gonna do anything to yourself or hurt yourself or anything like that. Right?

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WIEGERT: Time we ended is 2:10 p.m.

FASSBENDER: Brendan, look at me. You all right? OK. You understand that we do need to talk to you're mom though. To let her know. So she can talk to you about this and you can talk to her or your dad, I don't care who, one of, one of your, one of your parents. Would you prefer your mom or your dad?

BRENDAN: My mom.

FASSBENDER: OK.

WIEGERT: Is she at work right now?

BRENDAN: Yeah.

WIEGERT: What time does she work 'till.

BRENDAN: Five.

WIEGERT: Five.

FASSBENDER: What's that number? Do you have her work phone number or her cell phone number?

BRENDAN: Her cell phone is 973

FASSBENDER: Nine?

BRENDAN: 1740 ...

WIEGERT: Where does she work again?

BRENDAN: Woodland Face Veneer

WIEGERT: Woodland Face Veneer. That's in Two Rivers, right? Could you put the date in there again?

WIEGERT: Good job. Do you have any questions, buddy? You sure? About how anything's gonna go or anything like that er. If you have any questions, now is a good time.

BRENDAN: I don't have a question.

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WIEGERT: No questions. OK.

FASSBENDER: Anytime, I want you to take those cards with ya. Anytime you do, you give us, either of us, a call.you to talk.

WIEGERT: I'm gonna, I'm gonna put my cell phone number on here, OK? But you gotta do me a favor. You can't give that ta anybody else except your mom if she wants it. OK? I answer that 24 hours a day, seven days a week, so if it's tonight at 3:00 in the morning and you can't sleep and you need somebody to talk to or if you forgot to tell me something or if you just need someone to talk to, you call me. If it's Saturday night, 8:00 at night needing someone to talk to, you call me. Anytime of the day or night, OK? If you just need somebody to come pick ya up, give you a ride somewhere, get you out of the house, I'd be willing to do that for ya too, OK? That's yours and this is Tom's. Do you have any questions? OK. Should we let you go back to 8th hour class, is that what you wanna do?

BRENDAN: Yeah.

WIEGERT: What class do you have?

BRENDAN: Earth science

WIEGERT: Earth science, what's that about?

BRENDAN: It's about rock and those kinda.....

WIEGERT: Do you like that class?

BRENDAN: Yeah.

WIEGERT: OK.

FASSBENDER: This is yours. I don't know if you throw it in your locker or whatever, but you're obviously free to take this so again, um, again we're, we're not gonna leave ya high and dry. We'll talk to your mom about this we wanna be there if ya need something. If you feel you need to talk to someone, counseling or anything like that, a counselor, there's nothin' wrong with that. Absolutely nothin' wrong with that. OK? You let her know and you call us.

BRENDAN: OK.

WIEGERT: Do you feel like you wanna hurt yourself or anything at this time? No?
OK.

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- FASSBENDER: You should be proud of yourself.
- WIEGERT: You should be.
- FASSBENDER: I certainly would be if I was your parents.
- FASSBENDER: Okay. It's the most difficult thing that you just did.
- WIEGERT: I'm proud of you.
- FASSBENDER: All right, bud?
- WIEGERT: You need something, call us. OK? All right. Why don't you take those along.
- FASSBENDER: I go get your Dean of Students and then.....
- WIEGERT: We're ending the interview at 1414 hours.

This is the end of the interview.

I then requested BRENDAN to fill out a written statement which BRENDAN did and signed both of the written statements. It should be noted there are two pages of written statements.

After BRENDAN finished with the written statement, Special Agent FASSBENDER contacted BRENDAN's mother, BARBARA, and requested that she come to the high school to meet with us. It should be noted that BRENDAN requested that he be able to go back to his eighth hour class, which he was allowed to do. BRENDAN's mother, BARBARA, did show up at the school at which time an interview was conducted with BARBARA. For more information on that interview, please see Special Agent FASSBENDER's report.

At approximately 1500 hours, BRENDAN did return to the conference room. We then asked BARBARA and BRENDAN if they would be willing to go to TWO RIVERS POLICE DEPT. with us to do a second videotaped interview. Both BRENDAN and BARBARA agreed. We then gave them a ride to the TWO RIVERS POLICE DEPT. We arrived at the TWO RIVERS POLICE DEPT. at approximately 1515 hours. Upon arrival at the police department, we asked BRENDAN and BARBARA if BRENDAN would like BARBARA to sit in the room during the interview and also asked BARBARA if she wished to sit in the interview. BARBARA stated that it was not necessary for her to sit in the interview room, and BRENDAN stated he did not care if his mother was there or not.

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At approximately 1521 hours, Special Agent FASSBENDER and I met with BRENDAN alone in the interview room at TWO RIVERS POLICE DEPT. Prior to speaking with BRENDAN, we did read him his Miranda Rights from a waiver form that was provided to us by TWO RIVERS POLICE DEPT. BRENDAN agreed to waive his rights and speak with us and signed the Miranda form. It should be noted that I did read him the Miranda form and explained it to him. BRENDAN did initial both areas of the Miranda form. A copy of that form will be included with this report.

At that time, we did begin interviewing BRENDAN and informed him that the interview was being taped. For more information on the second interview of BRENDAN, please see the videotape.

After finishing the interview with BRENDAN, we did take BRENDAN back to the MISHICOT FIRE STATION where we met with several other detectives. We did make arrangements for BARBARA and BRENDAN to stay at FOX HILLS RESORT on the night of 02/27/06 for their safety.

Investigation continues.

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

CC: District Attorney



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TYPE OF ACTIVITY: Interview of Brendan Dassey at Two Rivers Police Dept.

DATE OF ACTIVITY: 02/27/06

REPORTING OFFICER: Inv. Mark Wiegert

WIEGERT: All right, Brendan, um, one thing I'm going to ask you to do is when we start talking, you're going to have to speak up right now like I am so the mikes, they won't pick up real well. But before we ask any question Brendan, um, I have to read you your rights. It's just what we have to do ... steps OK. Before we ask you any questions you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to, you have the right to talk, to a lawyer for advice before we ask you any questions and have him with you during questioning. You have this right to the advice and presence of a lawyer even though you cannot afford to hire one. We have no way of getting you a lawyer but one will be appointed for you if you wish and if and when you go to court. If you wish to answer questions now without a lawyer present, you have the right to stop answering questions any time. You also have the right to stop answering questions at any time until you talk to a lawyer. I have read the above statement of my rights I understand what my rights are, I am willing to answer questions and to make statements. I do not want a lawyer. I understand and know what I am doing. No promises or threats have been made to me and no pressure of any kind has been used against me. Do you agree with that?

BRENDAN: Yeah.

WIEGERT: You have to speak up a little bit.

BRENDAN: Yeah.

WIEGERT: Yes?

BRENDAN: Yes.

WIEGERT: Then if you agree with making a statement, I need you to sign right there and if you wanna read it, you can read it there. (pause) Why don't you put your initials here and put your initials here. These are the two things I read to you. (pause) OK, and I'm just going to put the place up here, Two Rivers Police Department, and the date is 2/27/06, and the time is approximately 3:21 p.m. OK. Let's put that over there for now. Um, Brendan, just a few things. OK, we're going to talk about what you had initially told us earlier, OK. Um, can you state your full name with middle initial and date of birth?

BRENDAN: Brendan Ray Dassey and then 10/19/ of 89.

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- WIEGERT: How old are you?
- BRENDAN: 16
- WIEGERT: OK. What's your address Brendan?
- BRENDAN: 12930A Avery Rd.
- WIEGERT: What city?
- BRENDAN: Wisconsin.
- WIEGERT: OK. Um, Brendan do you know the difference between a truth and a lie?
- BRENDAN: Yeah.
- WIEGERT: What does the truth mean to you.
- BRENDAN: The truth is something that is, like somethin' that's true, like something that really happened.
- WIEGERT: OK. And you have to speak up again OK? And what's a lie?
- BRENDAN: It's somethin' that's false.
- WIEGERT: OK. So if I said that I was wearing a red shirt, would that be a truth or a lie?
- BRENDAN: A lie.
- WIEGERT: And if I said that Tom has a green tie on, is that a truth or a lie.
- BRENDAN: Truth.
- WIEGERT: OK. Do you agree to tell us the truth today?
- BRENDAN: Yeah.
- WIEGERT: And if we ask you something you don't know the answer to, just tell us you don't know.
- BRENDAN: Yeah.

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- WIEGERT: OK. Who do you all live with Brendan?
- BRENDAN: My mom and my three brothers.
- WIEGERT: Your mom and your three brothers? What are your three brothers' names? Blaine, Bobby and Bryan.
- WIEGERT: OK. Who lived next door to you?
- BRENDAN: Steven.
- WIEGERT: Steven who?
- BRENDAN: Avery.
- WIEGERT: OK. And how is he related to you.
- BRENDAN: Um, my sister's brother.
- WIEGERT: So that makes him what to you?
- BRENDAN: My uncle.
- WIEGERT: OK. Well what we want to talk to you about Brendan, like we had talked about before, is October 31st of 2005. OK. Do you remember that day?
- BRENDAN: Yeah.
- WIEGERT: OK. Tell us about that day when you came home from school, OK? Let's start with when you came home from school. How did you get home from school?
- BRENDAN: I got off the bus at 3:45 and I walked, I seen a jeep down by our house and I went into my house and I played Playstation 2 for two hour, three hours. I ate at 8:00 and I got a phone from Steven, a phone call from Steven and he asked me if I wanted ta go to the bonfire next to Dassey's garage and I said yeah and then he told me to bring the golf cart over so I did and then he drove us, drove me around to find some stuff and I got the van seat and some wood and I seen her toe when I, when we dropped the, the seat off and later on, I seen her forehead and her belly.
- WIEGERT: OK. I'm just gonna stop you there. You said when you got home, you saw her jeep. Whose jeep was that do you think?

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-
- BRENDAN: Her's.
- WIEGERT: Who's her?
- BRENDAN: Teresa Halbach.
- WIEGERT: OK. Do you remember what it looked like?
- BRENDAN: Green and ...good shape
- WIEGERT: OK. So then you went outside later on that night after you got a call from Steven you said?
- BRENDAN: Yeah.
- WIEGERT: What time was that?
- BRENDAN: At 9:30.
- WIEGERT: 9:30 at night?
- BRENDAN: Yeah.
- WIEGERT: And what date was that on?
- BRENDAN: October the 31st.
- WIEGERT: OK, and was there a fire going already at that time?
- BRENDAN: Yeah.
- WIEGERT: And who was at the fire at that time?
- BRENDAN: Steven
- WIEGERT: Anybody else?
- BRENDAN: No.
- WIEGERT: OK. So from there you said you went and got some things. What kind of things did you get?

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- BRENDAN: Like some wood and some, like a broken cabinet.
- WIEGERT: And how did you pick those up?
- BRENDAN: We picked 'em up with our hands and put 'em in a golf cart.
- WIEGERT: OK. And where did you take 'em?
- BRENDAN: Over by the fire and we set it on the ground.
- WIEGERT: OK, now you said before you saw something in the fire. What did you see?
- BRENDAN: Her foot, her, her, her toes.
- WIEGERT: You have to speak a little louder.
- BRENDAN: I seen her toes.
- WIEGERT: OK.
- FASSBENDER: Describe where you saw them.
- BRENDAN: Like on the side of the fire
- FASSBENDER: And where, w-was it under something?
- BRENDAN: Under some tires and some branches.
- FASSBENDER: OK. Had Steven brought something out to tend the fire with at all?
- BRENDAN: Some gas.
- FASSBENDER: Did he use gases ta, ta make it go?
- BRENDAN: Yeah.
- FASSBENDER: Did he bring some tools out too?
- BRENDAN: Like a shovel and a rake.

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FASSBENDER: OK.

WIEGERT: Did you see anything else in the fire besides toes?

BRENDAN: A hand and forehead and a, her belly.

WIEGERT: Did it look like she was in one piece, or did it look like she was chopped up, or what did it look like?

BRENDAN: In one piece.

WIEGERT: When you say you saw her belly, how do you know it was her belly?

BRENDAN: It l-look some fat or somethin'.

WIEGERT: How did you know it was a forehead?

BRENDAN: Because there's like some ziggly lines on it.

WIEGERT: Who had been in the, if I had you draw a picture, could you draw like that pit area and kinda draw in what you saw and where you saw it? OK. How about if I do that now. I'll give you a pen.

FASSBENDER: This fire pit was located where?

BRENDAN: In the back of his gara, er in behind the garage.

FASSBENDER: Behind Steven's garage?

BRENDAN: Yeah.

(pause)

WIEGERT: OK, put, um an *H* where his house would be and *G* where his garage would be. So what you drew here, can you just explain what you drew here?

BRENDAN: That she's covered with some branches and her, tires.

WIEGERT: Where were you standing when you saw her? Put an *X* there.

BRENDAN: Like right here.

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WIEGERT: And could you put your, your initials so I know that's you. And maybe another *X* where he was standing.

BRENDAN: Like right there.

WIEGERT: OK.

FASSBENDER: And then you guys put more stuff on the fire?

BRENDAN: Yeah, when it went down.

FASSBENDER: And what did you put on again?

BRENDAN: The van seat.

FASSBENDER: OK, and how was it that you were able to see her. Were things moved around or if just when the fire went down?

BRENDAN: Well, he moved it around and I could see it.

WIEGERT: How did he move it around?

BRENDAN: With a shovel.

WIEGERT: So, explain to me what you mean he moved it around. Tell me what you mean.

BRENDAN: He like shifted it around like kinda s, kinda smoothed it over.

WIEGERT: Do you think you can demonstrate for us what you saw him do?

BRENDAN: Like, like that.

WIEGERT: OK. And when he did that what did you see?

BRENDAN: Her fingers and her head, her forehead.

WIEGERT: OK, what happened next?

BRENDAN: He went over, he went into the garage, I went to his house and got the garbage bags. Right before that we stuck, that was before he stuck the other stuff on there.

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- WIEGERT: Did you guys talk about what you saw in there?
- BRENDAN: Yeah.
- WIEGERT: OK. Tell me about that.
- BRENDAN: I seen it and he said, he told, he seen me see it so he told me not to say somethin' or else it will, he threatened me a little bit.
- FASSBENDER: How did he threaten you? What he say?
- BRENDAN: That he would, he would stab me.
- FASSBENDER: What else did he tell you about what you saw.
- BRENDAN: That (pause) that I shouldn't say nothin'.
- WIEGERT: Did he tell you what it was that you saw?
- BRENDAN: Yeah.
- WIEGERT: What did he tell you?
- BRENDAN: That it was her body.
- WIEGERT: Did he tell you whose body?
- BRENDAN: Teresa Halbach's.
- WIEGERT: What did he tell you how did it get there?
- BRENDAN: That he put it there with like the, he drove it there.
- FASSBENDER: With what?
- BRENDAN: Like his sled or somethin'.
- WIEGERT: I'm sorry, I couldn't hear you. Could you say that one more time. With his what?
- BRENDAN: His snowmobile sled?

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- WIEGERT: Is that what he told ya?
- BRENDAN: Yeah.
- WIEGERT: Did he tell you anything about what happened to her prior to that?
- BRENDAN: That he tied her up in her jeep thing and stabbed her in the stomach.
- FASSBENDER: And then what did he do?
- BRENDAN: Then he put the knife under the seat and tried to hide the jeep.
- FASSBENDER: And did he tell you where?
- BRENDAN: Behind, in the woods area.
- FASSBENDER: In the woods area, where?
- BRENDAN: Down in the pit by the lake er pond.
- FASSBENDER: Did he tell you what he did to try and hide it?
- BRENDAN: He put branches over it and a car hood.
- FASSBENDER: You mentioned a sled. Is that a sled that you pull behind something?
- BRENDAN: Yeah.
- FASSBENDER: Do you know what he pulled the sled with when he took it over there or did he just pull it himself.
- BRENDAN: He pulled it by himself.
- WIEGERT: Did you ever see that sled?
- BRENDAN: uh uh.
- WIEGERT: Does he have a sled?
- BRENDAN: Yeah.
- WIEGERT: Where is that sled?

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- BRENDAN: I don't know.
- WIEGERT: Where does he normally keep it?
- BRENDAN: Probably in the, the garage.
- WIEGERT: What's it look like?
- BRENDAN: Black ...
- WIEGERT: I'm sorry, what's it made out of?
- BRENDAN: Plastic, err rubber or whatever, like a fishing thing.
- WIEGERT: Did he tell you why he did this to Teresa?
- BRENDAN: Because he was angry, that he had to take it out on someone.
- WIEGERT: Did he tell you why he was angry?
- BRENDAN: No.
- FASSBENDER: Did he throw anything else on the fire?
- BRENDAN: Some garbage.
- FASSBENDER: Did he have anything else?
- BRENDAN: Some clothes that had blood stain a cuttin' it.
- FASSBENDER: Describe the clothes for us.
- BRENDAN: The shirt was blue and the pants were I don't know.
- FASSBENDER: What did they, what did they look like when, what gender clothing would they have been?
- BRENDAN: Girl clothes.
- FASSBENDER: Did he say whose clothes they were?

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- BRENDAN: Yeah.
- FASSBENDER: And whose were they?
- BRENDAN: Teresa Halbach's.
- FASSBENDER: And you said something about blood on 'em, on what article of clothing was the blood on?
- BRENDAN: The shirt.
- FASSBENDER: And you said there was a hole in the shirt. About where was that?
- BRENDAN: In the stomach.
- WIEGERT: Could you just point out where it would have been, like on your shirt?
- BRENDAN: Right there.
- FASSBENDER: Did he say anything about that hole?
- BRENDAN: No.
- FASSBENDER: OK.
- WIEGERT: Did he tell you when he did this?
- BRENDAN: No.
- WIEGERT: How has this affected you?
- BRENDAN: That I've been sad for the last three, four months.
- WIEGERT: What have you been sad about?
- BRENDAN: I thought that he didn't do it and felt sorry for Teresa's family.
- WIEGERT: Did you have anything to do with the disappearance of Teresa Halbach?
- BRENDAN: No.
- WIEGERT: Did you stab her.

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- BRENDAN: No.
- WIEGERT: Did you help put the body in the fire?
- BRENDAN: No.
- WIEGERT: Did anybody else?
- BRENDAN: Not that I know of.
- FASSBENDER: Have you told anyone else about this?
- BRENDAN: No.
- FASSBENDER: Have you told your mother?
- BRENDAN: No.
- FASSBENDER: Is your mother here today?
- BRENDAN: Yeah.
- WIEGERT: Did he say anything else about Teresa?
- BRENDAN: Yeah, that she was pretty.
- WIEGERT: What else did he say about her, if anything?
- BRENDAN: I don't know.
- WIEGERT: Do you know what sexual assault means?
- BRENDAN: Yeah.
- WIEGERT: Did he say anything about sexual assault with, with her or having sex with her.
- BRENDAN: No.
- WIEGERT: Did he say anything about wanting to?

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- BRENDAN: No.
- WIEGERT: So just so I'm clear on this. Where did he say that he stabbed her?
- BRENDAN: In the stomach.
- WIEGERT: And that occurred where? Outside? Inside? In the truck? Where?
- BRENDAN: In the jeep.
- WIEGERT: The jeep. (pause) Do you remember what color the pants were?
- BRENDAN: No.
- WIEGERT: Do you know what color the shirt was?
- BRENDAN: Blue.
- WIEGERT: What was it, a T-shirt or a button-up shirt or what type of shirt?
- BRENDAN: Like a button-up shirt.
- WIEGERT: What about shoes. Did you see any shoes at all?
- BRENDAN: No.
- WIEGERT: Did you see any camera or cell phone anywhere?
- BRENDAN: No.
- WIEGERT: Did he tell you anything about that?
- BRENDAN: No.
- WIEGERT: When you saw her in the fire did she have shoes on?
- BRENDAN: No.
- WIEGERT: So you saw, what?
- BRENDAN: Her toes and her feet.

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- FASSBENDER: Was there still skin on there, on her toes and feet?
- BRENDAN: Yeah.
- FASSBENDER: What, what color was it?
- BRENDAN: Like peach to white or something like that.
- WIEGERT: Like what? You have to speak up a little, I'm sorry.
- BRENDAN: Like peach and a little bit of white.
- WIEGERT: So just that I'm clear on this. He told you who it was?
- BRENDAN: Yeah.
- WIEGERT: And he told you it was who?
- BRENDAN: Teresa Halbach.
- WIEGERT: How long were you by the fire?
- BRENDAN: About two hours, er one hour.
- WIEGERT: Were you scared when you saw what you saw?
- BRENDAN: Yeah.
- WIEGERT: Why didn't you tell anybody?
- BRENDAN: I was scared to.
- WIEGERT: What were you scared about?
- BRENDAN: That they would think that I helped him.
- WIEGERT: Did you help him?
- BRENDAN: No.
- FASSBENDER: Is there anything else that you can think of?

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- BRENDAN: No.
- WIEGERT: Did he tell you how he got the truck back into the pit?
- BRENDAN: He drove it.
- WIEGERT: Which way did he drive it?
- BRENDAN: Past Chuckie's house.
- WIEGERT: And Chuckie's who?
- BRENDAN: His brother.
- WIEGERT: Did he say when he did that?
- BRENDAN: Like the day on October 31st.
- WIEGERT: You told me before that he, he told you that he stabbed her in the stomach.
- BRENDAN: Yeah.
- WIEGERT: Where did he do that? In the house? In the garage?
- BRENDAN: In the jeep.
- WIEGERT: In the jeep. And where was the jeep when he did that?
- BRENDAN: Down in the pit.
- WIEGERT: Do you know how he got her from the pit up to the fire pit?
- BRENDAN: By a sled.
- WIEGERT: Did he say which way he brought her up?
- BRENDAN: No.
- WIEGERT: And you told me before that he told you he tied her up?
- BRENDAN: Yeah.

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WIEGERT: What did he use to tie her up?

BRENDAN: Rope.

WIEGERT: Anything else?

BRENDAN: No.

WIEGERT: Do you have any questions?

BRENDAN: No.

WIEGERT: Is there anything we forgot to ask?

BRENDAN: Not that I know of.

FASSBENDER: Was this hard for you to do?

BRENDAN: Yeah.

FASSBENDER: I can imagine. And there's no doubt in your mind what you saw in that fire? Pardon?

BRENDAN: Yeah.

FASSBENDER: You know that that was a human body in the fire.

BRENDAN: Yeah.

FASSBENDER: When Steven was up north with you that week or at the end of that week that next weekend and the police came up there, what did he say?

BRENDAN: He said that he was gonna try to get a car, try to drive as far as he can to get away.

FASSBENDER: To get away from?

BRENDAN: The cops.

FASSBENDER: OK. Has he said anything else to you since that night?

BRENDAN: No.

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FASSBENDER: When we wanted to talk to you and stuff, did he say anything to you about what you should say?

BRENDAN: That I shouldn't talk because his lawyer told me, told him not to talk to the cops.

FASSBENDER: Has he threatened you since that night or told you not to say anything or anything like that since that night?

BRENDAN: No.

WIEGERT: Do you know whose knife it was?

BRENDAN: No.

WIEGERT: Do you know where the knife is now?

BRENDAN: No.

FASSBENDER:

WIEGERT: Would it be OK if we just stepped out for a minute?

BRENDAN: Yeah.

WIEGERT: And then came back in and talked with you a little bit more?

BRENDAN: mm huh.

WIEGERT: OK. I think we're gonna do that, OK?

FASSBENDER: Thank you Brendan.

WIEGERT: You just hang in there, all right?

(door opens and closes)

(pause)

(door opens and closes)

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WIEGERT: How ya doin'? Hanging in there? All right. We got a few more questions for ya, OK? Um, do you help him put anything in the garage or take anything out of the garage?

BRENDAN: Yeah, ah, we took the silver cool ah, gray jeep and put it in the garage.

WIEGERT: It's a jeep or?

BRENDAN: It's a Suzuki.

WIEGERT: And where was that located before you put it in the garage?

BRENDAN: On the side of the garage

FASSBENDER: Do you know his um his girlfriend, his fiancée, Steven's?

BRENDAN: Yeah.

FASSBENDER: What's her name?

BRENDAN: Jodi

FASSBENDER: Jodi and what's the last time you saw Jodi?

BRENDAN: Before she went to the jail

FASSBENDER: Do you remember about what month that was?

BRENDAN: No.

FASSBENDER: No and when is the last time you talked ta Jodi?

BRENDAN: Like two or three days before she went in.

FASSBENDER: OK. Has Steven said anything to you about her in any relation ta what he did?

BRENDAN: No.

FASSBENDER: No. Do you know if she knows that he did this?

BRENDAN: No.

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FASSBENDER: Has he blamed her in any way?

BRENDAN: No.

WIEGERT: I'm trying to understand what he might have been mad about. Do you have any idea what he was angry about that day?

BRENDAN: No.

WIEGERT: Did you ask him?

BRENDAN: No.

WIEGERT: You said you were using a golf cart?

BRENDAN: Yeah.

WIEGERT: To haul some items around? Whose golf cart were you using?

BRENDAN: My mom's.

WIEGERT: And what's your mom's first name?

BRENDAN: Barb

WIEGERT: Barb

FASSBENDER: So ta understand this, according to Steven and what you just said that Steven said, he had her down in the pit and then brought her up from the pit and put her in the fire.

BRENDAN: Yeah.

FASSBENDER: And he used his sled to do that.

BRENDAN: Yeah.

WIEGERT: Do you know where he got the rope from to tie her up?

BRENDAN: No.

FASSBENDER: Could you see that? Could you see that she was tied up or not in the fire?

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- BRENDAN: No.
- WIEGERT: Did he have her wrapped up in anything at any time?
- BRENDAN: No.
- WIEGERT: Anything that we're forgetting to ask Brendan?
- BRENDAN: No.
- WIEGERT: No? Cuz now is the time to tell us if there is. Think real hard.
- BRENDAN: No.
- FASSBENDER: Are you relieved to get this over with?
- BRENDAN: Yeah.
- WIEGERT: You said you threw some light bags in the fire. What was in those bags?
- BRENDAN: Garbage.
- FASSBENDER: You said he called you to ask you to come out by the fire. Did he call you on the phone, or yell in the door, or what?
- BRENDAN: He called on the phone.
- FASSBENDER: The house phone or cell phone?
- BRENDAN: The house phone.
- WIEGERT: And you stayed at the fire until what time?
- BRENDAN: 10:30.
- WIEGERT: 10:30. Do you know how long he stayed out there?
- BRENDAN: By 11:30.
- WIEGERT: How do you know that?

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- BRENDAN: Cuz my brother came home and he was still out there.
- WIEGERT: Your brother, which brother came home?
- BRENDAN: Blaine.
- WIEGERT: Blaine. And what did Blaine tell you.
- BRENDAN: He said that he was standing out there leaning against the shovel. Blaine just got home from Halloween for trick-or-treating.
- WIEGERT: And that was at what time?
- BRENDAN: At 11:30
- WIEGERT: Do you know what he was going to do with the fire pit?
- BRENDAN: He was going ta build up it and then cover it up and start a new one.
- WIEGERT: What do you mean build, build up it? What do you mean by that?
- BRENDAN: Tryin' to make it level.
- WIEGERT: How was he gonna to do that?
- BRENDAN: I don't know.
- WIEGERT: Just explain to me what you mean by build up it and try to make a new one, was he gonna fill it with dirt or keep burning stuff or exactly what was he gonna do, do you think? From what did he tell you.
- BRENDAN: He was gonna keep on burnin' stuff and then bury it and keep on doing that.
- WIEGERT: Keep burnin' stuff and bury it?
- BRENDAN: Yeah, so that his, his yard would be all flat instead of all lumpy.
- WIEGERT: And then he was gonna do what did you say after that?
- BRENDAN: He was gonna hide, put the burning pit rr the fire pit behind his house.

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- WIEGERT: He was gonna put a new fire pit back there?
- BRENDAN: Yeah.
- WIEGERT: Do you think anybody else knows about this.
- BRENDAN: Not that I know of.
- WIEGERT: Do you think Chuckie may have saw something?
- BRENDAN: Probably.
- WIEGERT: Why do you think that?
- BRENDAN: Because he came down like the next day.
- WIEGERT: Who came down the next day?
- BRENDAN: Chuckie.
- WIEGERT: Came down where?
- BRENDAN: Down by Steven and talked to him.
- WIEGERT: OK. Were you there?
- BRENDAN: No. I seen Chuckie come down with his truck.
- WIEGERT: Do you know what they talked about?
- BRENDAN: No.
- WIEGERT: Did you ever ask Chuckie?
- BRENDAN: No.
- WIEGERT: Did Chuckie ever tell you anything about this?
- BRENDAN: No.
- WIEGERT: Did you ever tell Chuckie anything about this?

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- BRENDAN: No.
- WIEGERT: The next day would have been what day? Like November?
- BRENDAN: 1st
- WIEGERT: OK. What time did you see Chuckie come down by Steven?
- BRENDAN: 5:30.
- WIEGERT: 5:30 at night?
- BRENDAN: Yeah.
- WIEGERT: Then where did Chuckie go when he came down by Steven?
- BRENDAN: By the garage. Cuz he was working on his Monte.
- WIEGERT: Who was working on his Monte?
- BRENDAN: Ch ah Steven.
- WIEGERT: Steven was working on his Monte? Where was the Monte at that time?
- BRENDAN: In the garage.
- WIEGERT: How did the Monte get in the garage?
- BRENDAN: Well it drives, drive, you can drive it.
- WIEGERT: I thought you told us before that the Suzuki was in the garage. You helped him push it in there.
- BRENDAN: He had to fix somethin' on it.
- WIEGERT: So where was the Suzuki when he was working on the Monte?
- BRENDAN: Probably outside.
- WIEGERT: So the Monte's inside and Chuckie was in the garage?
- BRENDAN: Talkin' to Steven.

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- WIEGERT: Are you sure that was the next day?
- BRENDAN: mm huh.
- WIEGERT: Did you notice any marks on Steven at all?
- BRENDAN: On his arm.
- WIEGERT: Where on his arm?
- BRENDAN: Like right here.
- WIEGERT: Do you remember which arm?
- BRENDAN: His left.
- WIEGERT: His left arm? OK. I'm sorry. I'm gonna keep tellin' you to speak up a little bit because its. How did he get that mark?
- BRENDAN: Well, he said that he got it from workin' out by the yard, that he cut himself with glass.
- WIEGERT: OK. Did he tell you anything else about that mark?
- BRENDAN: No.
- FASSBENDER: Did he tell you that at any time that he had been injured when he had killed Teresa?
- BRENDAN: N-no. That he got a scratch, I think.
- FASSBENDER: Where was that scratch?
- BRENDAN: Like on his finger
- FASSBENDER: OK.
- WIEGERT: How did he say he got that scratch?
- BRENDAN: That from a fingernail or somethin'.

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- WIEGERT: Did he tell you that?
- BRENDAN: Yeah.
- WIEGERT: So tell me again exactly what he told you.
- BRENDAN: That he got it from someone scratched, someone scratchin' um.
- WIEGERT: Did he tell you who? Scratched him?
- BRENDAN: Teresa.
- WIEGERT: How did that come about? I mean did he say was there a struggle or something? Or what did he say?
- BRENDAN: Yeah, there was a struggle.
- WIEGERT: Tell me about that. What did he tell you?
- BRENDAN: When he was trying to tie her up, she tried to get out and scratched 'em tryin' to get away from 'em and she couldn't so he tied her up and stabbed her.
- WIEGERT: Did he say if she was yelling or screaming or anything? Did he say anything about that?
- BRENDAN: No.
- WIEGERT: So, he actually showed you the finger?
- BRENDAN: Yeah.
- WIEGERT: And which finger was it?
- BRENDAN: The pointer finger.
- WIEGERT: Did you see anything on that finger?
- BRENDAN: Yeah, a scratch.
- WIEGERT: When he's telling you about this stuff, what is he doing? Is he laughing? Or what is he doing?

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- BRENDAN: He's lookin' down at the ground.
- WIEGERT: Did he at any time apologize for doing this to her?
- BRENDAN: No.
- WIEGERT: What did you say to him about this?
- (pause)
- BRENDAN: Nothin'
- (pause)
- WIEGERT: How did you feel about it when realized what it was and he told you what he did?
- BRENDAN: I felt sad.
- WIEGERT: Sad because why?
- BRENDAN: That he did it and felt sorry for Teresa's family.
- WIEGERT: Did you ever meet Teresa before that?
- BRENDAN: No.
- WIEGERT: Did Steve ever meet her before that?
- BRENDAN: Yeah.
- WIEGERT: How do you know?
- BRENDAN: Cuz we had a Lincoln for sale and wanted to put it in the book so she came again.
- WIEGERT: Did you ever see her truck before that day?
- BRENDAN: No.
- WIEGERT: Did you ever go down to the pit to see her truck after he told you where it was?

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BRENDAN: No.

FASSBENDER: Brendan, you may have answered this, at least indirectly, after you saw what you saw and Steven told you what he told you, why didn't you go to the police?

BRENDAN: Because I was scared to, that I would get in trouble too.

WIEGERT: Any other reasons?

BRENDAN: No

(pause)

FASSBENDER: If Steven were to get out on bond tomorrow, would you be scared?

BRENDAN: Yeah.

WIEGERT: Why?

BRENDAN: Cuz he would probably try ta like kill me or somethin'.

WIEGERT: Why do you think that?

BRENDAN: He would tell me.

WIEGERT: Why do you think he'd try to kill you though? I mean, what would make you think he would do that?

BRENDAN: Because he told me not to say nothin' so, and I did, so he would

WIEGERT: Did he say anything else when he was trying to tie her up? You told me before that she was trying to struggle and get away and that's when he got scratched by her, right?

BRENDAN: Yeah.

WIEGERT: Did he say if he got kicked by her or anything like that?

BRENDAN: No.

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- WIEGERT: Did he say if he took any of her valuables? Any money? Anything like that?
- BRENDAN: No.
- WIEGERT: Did you ask him about it?
- BRENDAN: No
- FASSBENDER: Did you have trouble sleeping that night?
- BRENDAN: Sort of.
- WIEGERT: Why?
- BRENDAN: Tryin' to figure out why he did it.
- FASSBENDER: Did you ever ask him after that night? Why he did it?
- BRENDAN: No.
- WIEGERT: Are you doing OK? Do you need a soda or something?
- BRENDAN: No.
- WIEGERT: Or take a break or anything?
- WIEGERT: I have nothing further.
- FASSBENDER: Is there anything else you want to say Brendan, to the, you know this is being recorded, to the recording or anything?
- BRENDAN: No.
- FASSBENDER: I know this was very difficult and you're a brave boy for doing what you did.
- WIEGERT: Is everything you told Agent Fassbender and myself the truth?
- BRENDAN: Yeah.
- WIEGERT: Did you lie at all during this conversation?

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BRENDAN: No.

WIEGERT: Have you lied to us at all about anything you told us?

BRENDAN: No.

WIEGERT: I appreciate you being honest, all right? We know this was difficult for you. Do you have any questions?

BRENDAN: mm uh

FASSBENDER: Nope, I don't have anything else....

WIEGERT: OK. (pause) I'm going to sign this in front of you as a witness though, OK. Just so you're aware of it. And the date. Wanna put the date in there? And the time. (pause) Thank you, Brendan.

BRENDAN: No problem.

WIEGERT: Brendan, I'm sorry.

This is the end of the interview with Brendan Dassey at Two Rivers Police Dept.

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

CC: District Attorney

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Interview of:

Brendan Dassey
Manitowoc County Sheriff's Department
03/01/06

Reporting Officers:

Inv. Mark Wigert
Special Agent Tom Fassbender

The following will be a transcript of the audio and videotaped portion of the interview with
BRENDAN R. DASSEY:

WIEGERT: Brendan, I'm just gonna to read you this form, it's your Miranda Rights and then we'll talk about that a little bit, OK? The law requires you be advised you of the following rights:

- You have the right to remain silent
- Anything you say can and will be used against you in court
- You have the right to consult a lawyer and have him present with you while you're being questioned. If you cannot afford to hire an attorney, one will be appointed to represent you before any questioning.
- You have the right to stop answering questions at any time.

WIEGERT: Now you gotta speak up so this thing picks up your voice, OK? I just got two questions to ask you from there: Do you know and understand each of these rights, your rights, which I have explained?

BRENDAN: Yeah

WIEGERT: Understanding these rights, do you want to talk with us?

BRENDAN: Yeah

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WIEGERT: OK. And I'm gonna have, I'm gonna sign here and I need you to sign by the X.

(phone rings)

WIEGERT: (apparently speaking on phone) Hello, um, call Dedering, I can't talk right now.

FASSBENDER: Thank you Brendan

WIEGERT: All right, ah, so like I told you, we're going to take a ride over to the a Manitowoc Sheriff's Dept. They've gotta a nice quiet room there, there's no kids running in and out and stuff, so, and if you play it right, who knows, maybe we'll get you back as soon as we can. If we, we all get over there as soon as we can. Um, I'm just gonna have you initial actually also um here and here, saying that I read you those and then that you agreed to talk with us, OK? (Pause) All right.

FASSBENDER: I think we told you Brendan, we talked to mom and mom is, is OK with this and good with this and she just wants to talk to ya when we're, we're done.

WIEGERT: Um, I just, one question I had for you real quick Brendan is um, those jeans that Tom had talked to you about the other night with the bleach stains on 'em, do you still have those?

BRENDAN: Yeah

WIEGERT: Where are those?

BRENDAN: They're at my house.

WIEGERT: Do you know where in your house they would be?

BRENDAN: Yeah.

WIEGERT: Where would they be?

BRENDAN: They're, by the kitchen table.

WIEGERT: By the kitchen table, like laying on the floor or on a

BRENDAN: I looked at 'em and then put 'em on a chair

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- WIEGERT: They're sitting on a chair at the kitchen table?
- BRENDAN: Yeah
- WIEGERT: Oh OK. Is anybody at your house right now?
- BRENDAN: Not that I know of, I think Bobbie was there, but he left.
- WIEGERT: It's, is, is your house locked?
- BRENDAN:
- WIEGERT: No?
- BRENDAN: Would you give us permission to go in and get those jeans?
- BRENDAN: Yeah
- WIEGERT: Just to grab the jeans and leave?
- BRENDAN:
- WIEGERT: That's a yes?
- BRENDAN: Yeah.
- WIEGERT: You have to speak up in here.
- BRENDAN: Yeah
- WIEGERT: You give us permission to go in your house and get the jeans?
- BRENDAN: Yeah.
- WIEGERT: OK. Well I'm just gonna make a phone call quick and let one of our guys know that they can just stop and pick those up, OK.
- FASSBENDER: We're not gonna go do it? We're gonna grab
- WIEGERT: Actually, we-we're this close; we could just grab 'em, how's that?
- BRENDAN: Yeah.

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- WIEGERT: Tha-that makes more sense.
- FASSBENDER: And they could meet us wherever they want to meet us.
- WIEGERT: Sure
- FASSBENDER: If we need 'em.
- WIEGERT: We'll just go over and verify that they're there and grab um and ah then we'll call 'em and tell 'em what they look like and all that so.
- WIEGERT: So, you like snow?
- BRENDAN: all right
- WIEGERT: Or would you rather have it warm up?
- BRENDAN: ...
- WIEGERT: No?
- BRENDAN:We got five in the garage
- FASSBENDER: Do we turn here.....?
- WIEGERT: So you can get out of school (cough) so you can get outta school. Yeah (pause) Yeah I remember being your age, waitin' for that snow day. That was a, that was a great thing.
- FASSBENDER: In that last snow, did you have a snow day?
- BRENDAN: No
- FASSBENDER: You didn't get outta school that day?
- BRENDAN: No.
- FASSBENDER: On my gosh.
- WIEGERT: During that blizzard, you didn't? You guys had school here?

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- BRENDAN: ...
- WIEGERT: Really?
- FASSBENDER: Well mine got out. (pause) I (pause)
- WIEGERT: Do you have to ride the bus to school or, that's, that's how you get to school right?
- BRENDAN: Yeah
- FASSBENDER: Does Blaine drive yet, Brendan?
- BRENDAN: He's got his license but he ain't got a car to drive.
- WIEGERT: What about you?
- BRENDAN: I gotta do one more thing with the instructor
- WIEGERT: You gotta do one more thing with the instructor?
- BRENDAN:
- WIEGERT: Looking forward to that?
- BRENDAN:
- WIEGERT: I'm sure you could find yourself a car out here somewhere.
- FASSBENDER: (laugh)
- (pause)
- FASSBENDER: I imagine this drifts over pretty much.
- WIEGERT: I'll bet you get some drifts in this driveway, huh?
- BRENDAN: Yeah
- FASSBENDER: At least the holes gettin' filled in with ice. (pause) ..bad in the winter.

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WIEGERT: Um, we're out at Brendan's at 10:18 a.m. ah Brendan and I and Tom will go in and get those jeans, is that OK?

BRENDAN: Yeah.

WIEGERT: OK.

(pause)

WIEGERT: OK, we're out of Brendan's residence, um he did give us the jeans 10:21 a.m. Sorry but I gotta narrate for this silly machine here.

BRENDAN: Yeah

WIEGERT: You know how it is.

FASSBENDER: Jeans were located in the kitchen area at the kitchen table area.

WIEGERT: (apparently on phone) Hey Wendy, it's Mark. Can you go um go up by John, he's not answering his cell phone. I left him a me-voicemail, an important voicemail I described everything on there, um, I can't talk about it right now, but

(pause)

OK, as soon as he's back um cuz we got that stuff. You guys don't need to pick those jeans up, we picked 'em up. Yeah. Yup. At Brendan's house. Brendan gave us permission to go get 'em, he's with us right now, so um, I pretty much got everything on his voicemail. Tell him to listen to his cell phone voicemail. An if you guys got any questions, call me back. Thank you. Bye.

FASSBENDER: Now what your quickest way?

WIEGERT: What's the quickest way to Manitowoc from here?

BRENDAN: I don't know.

WIEGERT: You don't know? OK, let's a, let's go right. Taking the interstate seems to take forever. We'll go down to B and then head in on B, that's the quickest way that I know of.

FASSBENDER: Did Travis tell you that I talked to him?

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BRENDAN: Yeah.

FASSBENDER: He seems like a pretty cool kid.

BRENDAN: Yeah.

FASSBENDER: I like him. (pause) You go over there quite a bit on the weekends huh? Seems like a nice place to be. So how'd the night go in the motel room.

BRENDAN: Pretty good.

WIEGERT: It's a pretty nice place there, Fox Hills, isn't it?

BRENDAN: Yeah.

WIEGERT: Yeah. (pause) The sky, it looks like it could snow a little bit today.

FASSBENDER: I'm more worried about the a freezin' rain that's supposed to come in later. They're sayin' it's supposed to go up to 40 something today.

WIEGERT: I think they lied.

FASSBENDER: They always lie.

WIEGERT: When we get into Mishicot, we'll turn right.

FASSBENDER: Brendan, you hungry at all?

BRENDAN: Not really.

FASSBENDER: Drink, anything, bag a chips or something cuz this may you know be a little while.

BRENDAN: Naw.

FASSBENDER: OK, donut?

BRENDAN: No.

(pause)

WIEGERT: Did you ever go there to eat?

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- BRENDAN: Once
- WIEGERT: Once?
- WIEGERT: Do you golf at all?
- BRENDAN: Sometimes..
- WIEGERT: Do you come out here to Fox Hills?
- BRENDAN:
- WIEGERT: Yeah.
- FASSBENDER: Condos eh?
- (pause)
- WIEGERT: You eats lunch at school normally? er?
- BRENDAN: Yeah.
- WIEGERT: Yeah. How's the food there?
- BRENDAN: Pretty good.
- WIEGERT: Pretty good. (pause) I just wanna put a windmill up at my, by my house.
- FASSBENDER: They probably wouldn't let ya.
- WIEGERT: Probably.
- FASSBENDER: City'd say that's an eyesore.
- WIEGERT: So I'd move it out.
- FASSBENDER: So how ya doin' Brendan since ah the last time we talked to you?
- BRENDAN: Pretty good.
- FASSBENDER: Everyone being decent to you?

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BRENDAN: Yeah.

FASSBENDER: OK.

BRENDAN: Talked to my girlfriend like eight hours ..yesterday.

FASSBENDER: Oh yeah? Have you told her a-about this.

BRENDAN: She knows a little bit.

WIEGERT: Where does your girlfriend live?

BRENDAN: Manitowoc

WIEGERT: Manitowoc. Do you talk to her on the Internet or what?

BRENDAN:on the phone...

WIEGERT: You have ta speak up, I can't hear you.

BRENDAN: On MSN and the phone.

WIEGERT: On MSN and on, and on the phone. (pause) You got a Webcam or anything like that?

BRENDAN:

WIEGERT: No.

(pause)

WIEGERT: This car sounds like it's falling apart.

FASSBENDER: It's, it's not a, a very good car.

WIEGERT: Just keep on going until you get to the stop sign and turn right. (pause)
Do you fish at all?

BRENDAN: Somewhat.

WIEGERT: Somewhat. Ever come down here?

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BRENDAN: Once in a while.

FASSBENDER: Looks like a nice place, I don't know.

WIEGERT: It's not open anymore.

FASSBENDER: Oh isn't it?

WIEGERT: No. Used to be many a weddings there over the years. (pause) What's your girlfriend's name?

BRENDAN: Emily

WIEGERT: Emily. Do you know her last name?

BRENDAN: No.

WIEGERT: No.

FASSBENDER: When's their basketball game? Valders win? Was it yesterday or today?

WIEGERT: Ahhh, yeah they won, I think it was last night. They play, I just heard, Appleton or a Sheboygan Christians or Sheboygan Christian. I think they play them at home, I didn't catch the date though.

FASSBENDER: I wonder how bad Menasha got beat.

WIEGERT: They did?

FASSBENDER: I wonder how bad

WIEGERT: Oh.

FASSBENDER: I'm just assuming they did.

(pause)

WIEGERT: (Apparently on a telephone conversation) Hi this is Mark. Yeah. Ahh, within ten minutes. Yep. We're in, just, we're just, just coming in on B. All right. Bye.

FASSBENDER: Who was that?

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WIEGERT: Det. Remiker

FASSBENDER: Now, now he's available, where the hell was he?

WIEGERT: He had called me before. He had just got in to work.

FASSBENDER: Oh. OK.

WIEGERT: We're gonna go straight through the lights. (Apparently another telephone conversation) Hi, this is Mark. No you can try again. OK. Bye. (pause) That's a big water tower. (pause) You'll turn right. And then you'll wanna grab the left lane. Turn left here.

FASSBENDER: This car will not get an award for quietest car.

(pause) (cough) (mumble)

WIEGERT: Stay in this lane, just (pause)through the lights (pause) Now as soon as this car gets by you, you'll wanna get in that left lane and we'll turn left at the lights. And you know where we are? It's right there, yeah.

FASSBENDER: Not sure where we

WIEGERT: Go up another, ah you coulda turned there, but a, we'll just to up to the lights and then turn right and come around. (pause) Just go right at the next, not here but go over there, park right in front. (pause) Turn right at the stop sign and we can park right in front. (pause) Right by the pickup 10:43 a.m., we're gonna go inside and use an interview room.

(pause) (whistling)

UNKNOWN VOICE: You here for the meeting?

WIEGERT: Um, actually no, I'm here for Det. Remiker, he's waiting for me now.

UNKNOWN VOICE: OK. And you are?

WIEGERT: Inv. Wiegert, Calumet Sheriff

UNKNOWN VOICE: All Right.

FASSBENDER: Does seem like it would have been a lot longer on the Interstate for some reason.

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WIEGERT: Yeah, well the Interstate kinda goes out away from the lake.

FASSBENDER: Yeah.

WIEGERT: Bends out that way.

UNKNOWN VOICE:

WIEGERT: OK

FASSBENDER: Bathroom or anything?

BRENDAN: No.

FASSBENDER: Pizza?

WIEGERT: How was that pizza, any good?

BRENDAN:

WIEGERT: Yeah

FASSBENDER: We had one there.

WIEGERT: Yeah I guess we did, didn't we?

FASSBENDER: We were up here before. It was pretty good

.....
WIEGERT: Good morning sheriff.

VOICE (Possibly sheriff's and/or Det Remiker): How ya doin'? How are ya? Behavin'?
Brendan? Brandon?

WIEGERT: Brendan.

VOICE: Brendan

WIEGERT: I'm sorry, let me just scoot through, there you go.

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REMIKER: Good. Come on in.

(pause)

WIEGERT: This door Dave?

VOICE: Yup, take right. Up the stairs.

(pause and background voices)

WIEGERT: Mornin'

VOICE: Mornin'

VOICE: Mornin'

VOICE: Mark Anderson would like to chat with you if you had a chance.

WIEGERT: Sure, absolutely.

UNKNOWN

VOICE: Mornin', good to see ya.

WIEGERT: Why don't you just, just you have a seat Brendan. Tom and I just gotta stop out for a minute and then we'll be right in, OK?

BRENDAN: (nods "yes") OK.

INV. WIEGERT: All right.

(door open & closes)

(pause)

Background Voice: You guys want coffee or anything? Water?

FASSBENDER: Soda? Water? (Brendan shakes head "no") You sure?

BRENDAN: Well water maybe (nods "yes").

FASSBENDER: OK.

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(background voices)

(long pause)

WIEGERT: All right. How you doin' buddy?

BRENDAN: Good

FASSBENDER: Brendan, Brendan. Here you go.

WIEGERT: I'm just gonna shut this audio off, be-OK, 'cuz there's audio in the room
(Brendan nods "yes") here

BRENDAN: Yeah.

WIEGERT: Just so you know. OK. Um, I just wanted to just, just go over this real quick again. Do you remember these rights, your Miranda Rights that I read to you? (Brendan nods "yes")

BRENDAN: Yeah. (nods "yes")

WIEGERT: Um, you still want to talk to us.

BRENDAN: Yeah. (nods "yes")

WIEGERT: OK. Just wanted to make sure of that. (Brendan nods "yes")

FASSBENDER: Brendan, I want you ta, to relax. OK. Um, a little more comfortable here and stuff and what we'd like, you had a couple days since we last talked now which was Monday and you had a chance to reflect and breathe, I imagine, this and (Brendan nods "yes")

WIEGERT: You have a pen on you?

FASSBENDER: We, um

WIEGERT: I seem to have lost mine. Is this your only one. I

FASSBENDER: I got more here.

WIEGERT: OK.

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FASSBENDER: and ah, I kinda call it, it's a sense to breathe being in a way, and I'll just let you talk to us a little and um, and, and we've had also a chance for two days now to look at what you said and, and listen to the to tapes a little and stuff like that and, and we look at that and we say, well you know, Brendan gave us, honestly gave us this information, this information and that information, maybe I'll call them dots or whatever and some of the dots when we look at it say well, I think we need some matching up here, just a little tightening up or something. We, we feel that, that maybe, I think Mark and I both feel that maybe there's a, some more that you could tell us, um, that you may have held back for whatever reasons and I wanna assure you that Mark and I both are in your corner, we're on your side, and you did tell us yourself that one of the reasons you hadn't come forward yet was because you're afraid, you're scared, and, and one of the reasons you were scared was that you would be implicated in this, or people would say that you helped or did this (Brendan nods "yes")

BRENDAN: mm huh. (nods "yes")

FASSBENDER: OK, and that you might get arrested and stuff like that. OK? And we understand that. One of the best ways to, ta prove to us or more importantly, you know, the courts and stuff is that you tell the whole truth, don't leave anything out, don't make anything up because you're trying to cover something up, a little, um, and even if those statements are against your own interest, you know what I mean, that, then makes you might, i-it might make you look a little bad or make you look like you were more involved than you wanna be, aah, looked at, um, it's hard to do but it's good from that vantage point to say hey, there's no doubt you're telling the truth because you've now given the whole story you've even given points where it didn't look real good for you either, an, and I don't know if I, if you, your understanding what I'm saying (Brendan nods "yes")

BRENDAN: mm huh. (nods "yes")

FASSBENDER: and, and that's why we kinda came here, to let you talk a little, maybe get some stuff off your mind or chest if you need to and then to tell us the whole truth, to take us through this whole thing that happened on Monday, not leaving anything out, not adding anything in, because if our guy looked at, looked at the tapes, looked at the notes, it's real obvious there's some places where some things were left out or maybe changed just a bit ta, to maybe lookin' at yourself to protect yourself a little. Um, from what I'm seeing, even if I filled those in, I'm thinkin' you're all right. OK, you don't have to worry about things. Um, w, were there for ya, um, and I, and, and we know what Steven did an, and, and we know kinda what happened to you when he did, we just need to hear the whole story from you. As soon as we get that and we're comfortable with that, I think you're gonna be a lot more comfortable with that. It's going to be a lot easier on you down the road, ah, if this goes to trial and stuff like that. We need to know that, because it's probably going to come out. Think of Steven for a second, Steven is already starting to say some things and eventually he is gonna potentially lay some crap on you and try and make it look like you are the bad person here. Um, and we don't want that,

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we want everything out in front so we can say yeah we knew that Steven. He told us that. So, ya, you know that you get my drift. I'm a, I know Mark has some, so I'm just going to give you an opportunity to talk to us now and, and kinda fill in those gaps for us. (Brendan nods "yes")

WIEGERT: Honesty here Brendan is the thing that's gonna help you. OK, no matter what you did, we can work through that. OK. We can't make any promises but we'll stand behind you no matter what you did. OK. Because you're being the good guy here. You're the one that's saying you know what? Maybe I made some mistakes but here's what I did. The other guy involved in this doesn't want to help himself. All he wants to do is blame everybody else. OK. And by you talking with us, it's, it's helping you. OK? Because the honest person is the one who's gonna get a better deal out of everything. You know how that works. (Brendan nods "yes")

BRENDAN: mm hm. (nods "yes")

WIEGERT: You know. Honesty is the only thing that will set you free. Right? And we know, like Tom said we know, we reviewed those tapes. We know there's some things you left out and we know there's some things that maybe weren't quite correct that you told us. OK. We've done, we've been investigating this a long time. We pretty much know everything that's why we're talking to you again today. We really need you to be honest this time with everything, OK. If, in fact, you did somethings, which we believe, somethings may have happened that you didn't wanna tell us about. It's OK. As long as you can, as long as you be honest with us, it's OK. If you lie about it that's gonna be problems. OK. Does that sound fair? (Brendan nods "yes")

BRENDAN: mm hum (nods "yes")

WIEGERT: All right. Should we just go through that whole day again on the 31st or how do you wanna do it?

FASSBENDER: We can that a..... try to give him a chance to just talk to us and

WIEGERT: Sure.

FASSBENDER: if he wants to go through the whole day, if he wants to fill in the pieces, that's, that's up to Brendan right now.

WIEGERT: What would you rather do?

FASSBENDER: Just wanna to talk to us and tell us and startin' with that day and how you actually came to know what happened and stuff. Cuz, I already know you were in the garage and stuff apparently cleaning up and stuff so tell us about that. (Brendan nods "yes")

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BRENDAN: Well he was working on his car and like he did something wrong and then like he poked a hole in like somethin' and then it started leaking. And then later on when cuz I was helping him before I went over there a little bit

FASSBENDER: Yeah, I know

BRENDAN: and later on he needed help, I helped him move the car outta there and cleaned it up and I went back home and then that I later on I got a call from him and he wanted me to come over.

WIEGERT: Let's go back a little bit, OK. When did you first go over by Steve?
(Brendan nods "yes")

BRENDAN: At like 9:00.

WIEGERT: But you said you were over in the garage helping him.

BRENDAN: Yeah.

WIEGERT: When was that?

BRENDAN: Like six, six-thirty.

WIEGERT: OK. So let's go back OK. Let's go back to around that time. You get home off the bus at about three forty-five? (Brendan nods "yes")

BRENDAN: Yeah. (nods "yes")

WIEGERT: And what do you do? Now you gotta be honest here.

BRENDAN: I walked home and I go into my house.

WIEGERT: OK.

BRENDAN: and

WIEGERT: What did you see at that time?

BRENDAN: That she was talkin' er, her car was over there.

FASSBENDER: Where was her car?

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- BRENDAN: Like on the other side of the you know where you drove by our house
- FASSBENDER: Uh huh.
- BRENDAN: Where you turn there it was like on the other side of the road there, by the trees.
- WIEGERT: And you just told, you just said something, you said she was talking
- BRENDAN: Yeah.
- WIEGERT: And you stopped now remember this is very important cuz we already know what happened that day, OK. Let's just be honest here OK, Brendan. (Brendan nods "yes")
- BRENDAN: Uh huh. (nods "yes")
- WIEGERT: Let's get this out.
- FASSBENDER: Use your memory, not what Steven told ya, not what anyone else told you, be honest, cuz we're gonna, we're gonna be able to tell when you're not being honest. I-I'm telling ya right now so. You're walkin' down the road and let's pick it up again. OK. (Brendan nods "yes")
- BRENDAN: I seen him talkin' to her on his porch and that and I seen her, her jeep there and I walked in the house.
- WIEGERT: So she's standing meaning she is Teresa?
- BRENDAN: Uh huh. (nods "yes")
- WIEGERT: Did you recognize her?
- BRENDAN: Not at first.
- WIEGERT: You just knew it later on when this all came out?
- BRENDAN: Yeah. (nods "yes")
- WIEGERT: So she's standing on his porch?

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BRENDAN: Uh huh. (nods "yes")

FASSBENDER: Did Blaine see that?

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

FASSBENDER: And you're sure you saw that, you sure it wasn't another time or anything like that (Brendan shakes head "no"), it was Halloween this year.

BRENDAN: (nods "yes") Yeah.

FASSBENDER: This last year? On the front porch the area?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: Do you remember what she was wearing? I know it's a long time ago, don't guess, if you remember, you can say it.

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

FASSBENDER: Do you remember how he was dressed?

BRENDAN: I think he, er ah, white short, er, white shirt with like red shorts or somethin' like that.

FASSBENDER: OK. Anytime you don't remember you say that all right? (Brendan nods "yes")

WIEGERT: Yep, don't make anything up. You don't know it, you don't know it. (Brendan nods "yes")

FASSBENDER: So then did what happened, you saw her and him on the porch and they were what? (Brendan nods "yes")

BRENDAN: They were talking.

FASSBENDER: And then what did you do?

BRENDAN: I walked in my house.

FASSBENDER: And they were just talking, were they doing anything else? Were they screaming, fighting, talking, pushing, anything?

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BRENDAN: (shakes head "no") Just talking.

FASSBENDER: OK. You went in your house and this is about quarter to four.

BRENDAN: (nods "yes") mm huh.

FASSBENDER: And then what did you do in your house. Be honest so we don't have ta go though this eight times.

BRENDAN: I went into my room and cuz my mom told me I had ta clean my room. I cleaned it a little bit and then played Playstation 2 for a little bit and it was about like 5:00 and my, my brother was on the phone with his friend.

FASSBENDER: Blaine?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: OK.

BRENDAN: And he was talking about going trick or treating with 'em and that Jason will pick him up at like seven.

FASSBENDER: And then?

BRENDAN: And then I ate and then went into the living room at and like I was like eating in the living room and watchin' TV.

FASSBENDER: And what did ya see?

WIEGERT: Honest.

BRENDAN: Like what?

FASSBENDER: Like what happened?

BRENDAN: Well then, then he called and said that he wanted help on his his car.

WIEGERT: OK, did he call you or did he come over?

BRENDAN: He called me.

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- WIEGERT: Wh-on your cell phone or on, on the house phone?
- BRENDAN: The house phone.
- WIEGERT: He calls your house phone?
- BRENDAN: (nods "yes") Yeah.
- FASSBENDER: And this is about what time now?
- BRENDAN: 'bout six, six-thirty
- FASSBENDER: OK. And what does he say to you?
- BRENDAN: He says do you wanna help me with the ta fix the car because he said that that if I would help him on his cars, he would like help me find a car.
- FASSBENDER: OK.
- BRENDAN: And so I did and then that's when he like cut somethin' and then it was leaking on the floor.
- WIEGERT: Let's stop right there, so you he called you and asked you to help fix a car
- BRENDAN: (nods "yes") mm huh.
- WIEGERT: And you go over to this house?
- BRENDAN: (nods "yes") mm huh.
- WIEGERT: And where do you go?
- BRENDAN: Into the garage
- WIEGERT: And what's in the garage?
- BRENDAN: His Monte.
- WIEGERT: His Monte. (Brendan nods "yes") Where's that Suzuki?
- BRENDAN: On the side.

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FASSBENDER: Is the big garage door open?

BRENDAN: (nods "yes") mm huh.

FASSBENDER: So you walk in there and there and this is Halloween (Brendan nods "yes") OK, and what's he doing?

BRENDAN: He's workin' on his Monte.

FASSBENDER: What about the fire?

BRENDAN: Do you mean if it was started or somethin'? No it wasn't. (shakes head "no")

FASSBENDER: OK. We're not gonna go any further in this cuz we need to get the truth out now. We know the fire was going. We know that he had already had his altercation with Teresa. We don't believe there's a Monte in there. I talked to ya the other night and you said nothing about Monte you said nothing about something getting punctured and leaking out. We talked about cleaning somethin' up in that garage. You told me that you thought thinking back now there was blood. It was red in color plus you're at your house. You said six, six-thirty, I'll go that far with ya it might even been earlier. What's goin' on? Let's take it through honestly now. (Brendan nods "yes")

WIEGERT: Come on Brendan. Be honest. I told you before that's the only thing that's gonna help ya here. We already know what happened. OK. (Brendan nods "yes")

FASSBENDER: We don't get honesty here, I'm your friend right now, but I but I gotta I gotta believe in you and if I don't believe in you, I can't go to bat for you. OK. You're noddin', tell us what happened. (Brendan nods "yes")

WIEGERT: Your mom said you'd be honest with us. (Brendan nods "yes")

FASSBENDER: And she's behind you a hundred percent no matter what happens here.

WIEGERT: Yep, that's what she said, cuz she thinks you know more too.

FASSBENDER: We're in your corner. (Brendan nods "yes")

WIEGERT: We already know what happened now tell us exactly. Don't lie.

FASSBENDER: We can't say it for you Brendan, OK.

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BRENDAN: Well that that morning he said that if he wanted me ta come over like at six-thirty and he had the fire started cuz he wanted to bu, ah, to burn some tires

FASSBENDER: Uh huh

BRENDAN: So he had it started and the jeep was still in there.

WIEGERT: Who's jeep?

BRENDAN: The Suzuki

WIEGERT: It was still in where?

BRENDAN: In the garage

FASSBENDER: So the Monte's not in there. (Brendan shakes head "no")

WIEGERT: OK.

FASSBENDER: Who's car was in the garage? Tell me the truth.

WIEGERT: We already know. Just tell us. It's OK.

FASSBENDER: The truth, that's its so easy to tell the truth. It's hard ta make things up.

BRENDAN: Her jeep.

FASSBENDER: That's right.

WIEGERT: Her jeep was in the ga-garage wasn't it? (Brendan nods "yes")

FASSBENDER: And you, you tell me if I'm wrong but when you were at the house, you just went over there cuz you had talked about it in the morning. Is that correct?

BRENDAN: (nods "yes") mm huh.

FASSBENDER: There was no call from Steven asking you to come over was there? And you went over, was the big door closed? (Brendan shakes head "no")

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

FASSBENDER: You sure about that?

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- BRENDAN: (nods "yes") Yeah.
- WIEGERT: So the big door is open and her truck is in there when you get over there?
- BRENDAN: (nods "yes") Yeah.
- FASSBENDER: By her truck, who are we talkin' about?
- BRENDAN: Well if I wanted ta come over later.
- FASSBENDER: No, whose truck?
- WIEGERT: Who's truck?
- FASSBENDER: Is in there?
- BRENDAN: Oh, the the truck?
- FASSBENDER: Yeah.
- BRENDAN: Her jeep.
- FASSBENDER: Who's her?
- BRENDAN: Teresa's
- FASSBENDER: OK and that jeep is a what? Do you remember?
- BRENDAN: Like what color?
- FASSBENDER: Color or make?
- BRENDAN: green like a greenish blue
- FASSBENDER: OK.
- WIEGERT: Is it drove in or is it backed into the garage?
- BRENDAN: It's backed in.
- WIEGERT: OK.

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- WIEGERT: Now, let's be honest. What did he tell you? What did he show you?
- FASSBENDER: What did you see and what did he tell you?
- BRENDAN: He showed me the knife and the rope.
- WIEGERT: Where was she? Come on we know this already. Be honest.
- BRENDAN: In the back of the jeep.
- WIEGERT: She was in the back of the jeep? (Brendan nods "yes") Was she alive or dead at that time?
- BRENDAN: Dead
- FASSBENDER: Are you sure? (Brendan nods "yes") OK. What did you see in the back, now this is hard, but what did you see in the back of the jeep?
- BRENDAN: That she was laying there with like a small blanket over her.
- FASSBENDER: Do you remember where her head was?
- BRENDAN: (shakes head "no") Not really.
- FASSBENDER: Did she have clothes on?
- BRENDAN: Yeah (nods "yes").
- FASSBENDER: She was clothed.
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Was she tied up already? Or did you help him do that? (Brendan shakes head "no")
- BRENDAN: She was tied up already.
- FASSBENDER: Where? Tell me how she was tied up.
- BRENDAN: Like the rope was right here around her body.

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- FASSBENDER: Are you sure? (Brendan nods "yes")
- WIEGERT: Did Steve have any blood on him at that time?
- BRENDAN: On his finger.
- WIEGERT: What about on his body and his clothes?
- BRENDAN: (shakes head "no") Not that I know of.
- WIEGERT: Where did you see blood?
- BRENDAN: Like, like right here.
- WIEGERT: Where else in the garage?
- BRENDAN: On the floor.
- WIEGERT: A lot?
- BRENDAN: Like drips.
- WIEGERT: Where was it dripping from?
- BRENDAN: I don't know.
- WIEGERT: What did he tell you he did to her?
- BRENDAN: That he stabbed her.
- FASSBENDER: Let's, stop there for a second now, OK. I want to back up just a bit. I didn't mean to interrupt. That you sayin' like what time actually did you get over there now? About?
- BRENDAN: Like quarter ta seven.
- FASSBENDER: So it still about that same time, quarter to seven? (Brendan nods "yes") Are you sure?
- BRENDAN: (nods "yes") mmm hum.
- FASSBENDER: OK, did you really see those two talking on the on the porch?

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- BRENDAN: Yeah. (nods "yes")
- FASSBENDER: You did? (Brendan nods "yes") You're 100% on that?
- BRENDAN: (nods "yes") Yeah.
- FASSBENDER: OK.
- WIEGERT: How did she get in the back of the jeep? Tell us that.
- BRENDAN: I don't know.
- WIEGERT: Did you help him?
- BRENDAN: No. (shakes head "no")
- WIEGERT: Let's be honest here Brendan. If you helped him, it's OK, because he was telling you to do it. You didn't do it on your own (Brendan shakes head "no").
- BRENDAN: I didn't, I didn't touch her.
- WIEGERT: So you get over into the garage and the garage door is open, her truck is in the garage. Right?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: And what does he say to you?
- FASSBENDER: Think about it and be honest.
- WIEGERT: It's OK. What does he say to you?
- BRENDAN: That's when he threatened me, that if I would say anything, that he like trusted me or somethin'.
- WIEGERT: Why did he, why did he have you come over there? Did he need help with something? Remember we already know, but we need to hear it from you. Why did he have you come over there? He needed help, didn't he? (Brendan nods "yes") What did he need help with? Go ahead and tell us.
- BRENDAN: Probably to get rid of the body.

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WIEGERT: Yeah.

FASSBENDER: So, what Mark's sayin' is, did he call you or did he come to the door and say Brendan I need you. What, what did he do?

WIEGERT: He came over.

FASSBENDER: Tell us what he told or asked you to do?

BRENDAN: He said hey, Brendan, do you wanna help me do somethin'?

FASSBENDER: And, keep goin'.

BRENDAN: And, I said for what? And he is like fer somethin' to do in my garage.

FASSBENDER: OK, keep going.

BRENDAN: And, I said sure and then later I came over there and

WIEGERT: What time did he come to your house?

BRENDAN: 'bout, (pause) I can't remember.

WIEGERT: OK, but you, he comes to your house and asks you if you wanna do something, help him with something?

BRENDAN: (nods "yes") mm huh.

WIEGERT: Tell me that again.

BRENDAN: That he wanted me to come over there and help him move somethin'

WIEGERT: OK. Did he tell you what?

BRENDAN: (shakes head "no") No.

WIEGERT: Did you go over right away?

BRENDAN: No, I waited ten minutes.

WIEGERT: OK. So then you walk over and the garage door is open

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- BRENDAN: (nods "yes") Yeah.
- WIEGERT: And what do you see again?
- BRENDAN: Her jeep.
- WIEGERT: OK.
- FASSBENDER: And you're sure the big garage door is open? You didn't go in the little door.
- BRENDAN: (shakes head "no") No.
- WIEGERT: So you see her jeep and then what happens? Does he what?
- BRENDAN: He opens the back door.
- WIEGERT: OK and what does he say?
- BRENDAN: And told me to help him.
- WIEGERT: Da, do you ask him a question who is this, or, what?
- BRENDAN: Yeah.
- WIEGERT: OK. Tell me what he said.
- BRENDAN: He said that it's a girl that he was kinda pee'd off at.
- WIEGERT: Did he say, who, who it was?
- BRENDAN: Teresa Halbach.
- WIEGERT: Why was he pee'd off at her?
- BRENDAN: I don't know.
- WIEGERT: I think he probably told ya. So just be honest. We already know.
- FASSBENDER: He's obviously not holding anything back from you. He had you come ta see this.

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WIEGERT: We already know.

FASSBENDER: He used you for this. So bring us into the garage again. You mentioned earlier that's when he threatened you. Tell us that.

BRENDAN: That he threatened me that if I would say anything that he would stab me like she, he did ta her and that, that um, he was pissed off at her because of he wanted to get his his Blazer in the thing that like that last time she was there and he couldn't.

WIEGERT: OK. So he opens the back door of her truck (Brendan nods "yes") and tell me what you see.

BRENDAN: Her body laying there.

WIEGERT: What could you see of her?

FASSBENDER: The truth now. As hard as it tell us the truth.

BRENDAN: Her head, her body, her feet

WIEGERT: So she was not covered up? (Brendan shakes head "no") No. I didn't think so. See we already knew that. (Brendan nods "yes")

FASSBENDER: Did she have clothes on? Now be honest. If she did, she did, and if she didn't, she didn't.

BRENDAN: Sort of.

FASSBENDER: OK. What did she have on?

BRENDAN: Like a white T-shirt and that, pants

WIEGERT: What do you mean sort of? Either she had clothes on or she didn't. It's, was some of it on some of it off? What?

BRENDAN: It was like ripped.

WIEGERT: It was ripped. (Brendan nods "yes") Where was it ripped?

BRENDAN: Like right here.

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- WIEGERT: Was it a T-shirt or button up shirt or what kind of shirt?
- BRENDAN: A button up one.
- WIEGERT: What color?
- BRENDAN: Like a black one.
- WIEGERT: OK, before you just said there was a white T-shirt. She had that on too?
- BRENDAN: (nods "yes") mm huh.
- WIEGERT: Underneath that shirt?
- BRENDAN: Yeah. (nods "yes")
- WIEGERT: OK, and in the other interview you said it was blue. Do you remember what color it was? If you don't remember, say you don't remember.
- BRENDAN: I don't remember.
- WIEGERT: OK. So he threatens you and what does he say to you?
- BRENDAN: That, ta help him get rid of the body.
- WIEGERT: OK.
- FASSBENDER: Before you mentioned trust, that he said something about trust. Tell us about that. What did he say about that?
- BRENDAN: That he really likes me much and that he trusts me that I won't say nothin'.
- WIEGERT: OK. So what happens next?
- BRENDAN: That he told me to grab her feet so I did and
- WIEGERT: mm huh.
- BRENDAN: So we took her out in the back and put her in the fire pit.
- WIEGERT: Was the fire burning already?

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BRENDAN: Yeah.

FASSBENDER: Tell us did you carry her out there or did you use somethin' to get her back there?

BRENDAN: Well, we lifted her out of the jeep and put her on like a, like a wheeled thing.

FASSBENDER: A wheel thing, what's that?

BRENDAN: Like the things where you get under the car.

WIEGERT: A creeper?

BRENDAN: Yeah. (nods "yes")

WIEGERT: OK.

FASSBENDER: And is that creeper always kept in his garage?

BRENDAN: Well he was borrowing it from the yard or somethin' like that.

WIEGERT: What's that creeper say on it? Do you remember? (Brendan shakes head "no") What color is it?

BRENDAN: Like black and red.

WIEGERT: Black and red, OK. So you guys lift her out of the truck,

BRENDAN: mm huh. (nods "yes")

WIEGERT: And you got which part of her again?

BRENDAN: Her feet.

WIEGERT: And what is Steve carrying?

BRENDAN: Her head and her shoulders.

WIEGERT: And you put her on the creeper?

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- BRENDAN: Yeah. (nods "yes")
- FASSBENDER: Does she have shoes on?
- BRENDAN: (shakes head "no") No.
- WIEGERT: Does she have, did you take her clothes off then?
- BRENDAN: uh uh. (shakes head "no")
- WIEGERT: Was she tied up?
- BRENDAN: Yeah.
- FASSBENDER: Describe that again how she was tied up, and again make it easy on yourself, just tell us the truth the first time.
- WIEGERT: The hard part's over.
- BRENDAN: That it was like wrapped around her like three, four times.
- WIEGERT: Wrapped around where? Show us where on your body.
- BRENDAN: Like, like right here.
- WIEGERT: OK. What about her feet?
- BRENDAN: Yeah. (nods "yes")
- WIEGERT: Yeah, what?
- BRENDAN: They were tied up.
- WIEGERT: What were they tied up with?
- BRENDAN: Rope.
- WIEGERT: What kinda rope?
- BRENDAN: Like, ah, like that round.
- WIEGERT: Something you'd use for clothesline? That type of thing?

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- BRENDAN: Yeah. (nods "yes")
- WIEGERT: What color was it?
- BRENDAN: Like white and blue
- WIEGERT: OK.
- FASSBENDER: What about her hands?
- BRENDAN: (shakes head "no") I don't remember.
- WIEGERT: Where did you see injuries on her?
- BRENDAN: Her stomach.
- WIEGERT: Her stomach. What did it look like?
- BRENDAN: Like she was stabbed.
- FASSBENDER: I don't necessary, I gonna tell you I don't know what it looks like when someone stabbed. OK, you gotta talk to someone that doesn't realize this. Tell us what you saw.
- BRENDAN: Like it was all bleeding and that.
- WIEGERT: Show me where and on you that would be.
- BRENDAN: Like right here.
- FASSBENDER: How much blood? Was the, show me on you the extent of the stain or the blood that you saw.
- BRENDAN: Like right there.
- FASSBENDER: That whole area. (Brendan nods "yes") Was it pretty wet yet or dry?
- BRENDAN: Like damp.
- FASSBENDER: Damp. (Brendan nods "yes") Could you see flesh or just shirt?
- BRENDAN: A little bit of flesh.

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- FASSBENDER: How many times did he say he stabbed her?
- BRENDAN: Once.
- WIEGERT: What else did he do ta her? We already know, be honest.
- FASSBENDER: We've got enough of her to know some things that happened to her. So tell us the truth.
- WIEGERT: What else did he do ta her?
- BRENDAN: Raped her.
- WIEGERT: Did he tell you that? (Brendan nods "yes")
- FASSBENDER: Tell us about that. And where he did it.
- BRENDAN: I don't know where he did but
- WIEGERT: What did he say he did in his words? What did he tell you? You can, you can swear, you can use any of his language you want. Tell us exactly what he told you he did to her.
- BRENDAN: That he ripped off her clothes and she refused and she tried to get away but he, he wa, he was too strong for her (pause) and he did it.
- WIEGERT: He did what?
- BRENDAN: Raped her
- FASSBENDER: What did he say? Did he use those words? (Brendan nods "yes")
- WIEGERT: Are you sure (Brendan nods yes") cuz its usu, not usually the words he uses? Are, are if you're sure, that's OK.
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Where did that happen?
- BRENDAN: I don't know.

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WIEGERT: And she tried to get away (Brendan nods yes) but he was too strong.

BRENDAN: Yeah

WIEGERT: And then what did he do to her?

BRENDAN: Well after he was done, that's when he put her back in the jeep in the back.

FASSBENDER: Was she dead then yet or not?

WIEGERT: Brendan, were you there when this happened?

BRENDAN: No. (shakes head "no")

WIEGERT: OK. Was she dead there then or not?

BRENDAN: Yeah. (nods "yes")

FASSBENDER: How do you know that? I have a feelin' I know how you know that.

WIEGERT: We already know Brendan. We already know. Come on. Be honest with us. Be honest with us. We already know, it's, OK? We gonna help you through this, alright? (Brendan nods "yes") Tell us, how do you know that?

BRENDAN: I was outside riding my bike

WIEGERT: mm huh.

BRENDAN: And I could hear it.

WIEGERT: What could you hear?

BRENDAN: Screaming.

WIEGERT: OK. Was the door closed at that time?

BRENDAN: mm huh. (nods "yes")

WIEGERT: Did he know you were out there?

BRENDAN: No. (shakes head "no")

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- WIEGERT: What was the screaming like? What was she saying?
- BRENDAN: Like help me.
- WIEGERT: Did you know what was going on?
- BRENDAN: (shakes head "no") No.
- WIEGERT: What did you do?
- BRENDAN: Well, I was going up to the, the driveway and get the mail.
- WIEGERT: What time was that?
- BRENDAN: 'bout four, four thirty
- FASSBENDER: Was it light out?
- BRENDAN: Yeah. (nods "yes")
- FASSBENDER: OK.
- WIEGERT: So you go out on your bike and you hear screaming coming from where?
- BRENDAN: His house.
- WIEGERT: Whose house?
- BRENDAN: Steven's.
- WIEGERT: The house or the garage?
- BRENDAN: The house.
- WIEGERT: From the house.
- FASSBENDER: All right. Then what do you do?
- BRENDAN: I just went to go get the mail and went in the house.
- WIEGERT: So you go get the mail and you go in the house and then what?

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BRENDAN: Sat down and watched TV.

WIEGERT: OK.

FASSBENDER: OK Brendan, you're doing a good job. Let's go back to when you go outside to get your bike and you gotta go get the mail and you said you heard screaming. Anymore, tell us more about what you heard. That you said help me. Was a female screaming?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: What else did you hear her say if anything?

BRENDAN: That's all I heard.

FASSBENDER: OK. Was her vehicle still there?

BRENDAN: Yeah. (nods "yes")

WIEGERT: Where is the vehicle at that time?

BRENDAN: By the big trees.

WIEGERT: OK.

FASSBENDER: Did that scare you when you heard that screaming?

BRENDAN: Sort of.

FASSBENDER: Did you go over to his house then?

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

FASSBENDER: Are you sure?

BRENDAN: Yeah. (nods "yes")

FASSBENDER: And you said you rode your bike down to get the mail?

BRENDAN: (nods "yes") Yeah.

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FASSBENDER: Came back and then what'd you do? Honestly. You went over to his house?

BRENDAN: (shakes head "no") No.

FASSBENDER: What'd you do?

BRENDAN: I went in ta our garage and put the bike away.

FASSBENDER: mm huh

BRENDAN: And Bryan was in there workin' on his car.

FASSBENDER: Yeah.

BRENDAN: I he, I asked him if he wants any help and he said no, that if he wanted help, he would come in and get me or somethin' so I went in the house and I sat down.

WIEGERT: Did Bryan hear the screaming too?

BRENDAN: No, he had the radio going.

WIEGERT: OK.

FASSBENDER: Did you tell Bryan?

BRENDAN: (shakes head "no") No.

FASSBENDER: OK, you went in the house and sat down, and then?

BRENDAN: I waited and then I, I watched TV for a little bit and my mom came home.

FASSBENDER: And she comes home at about what time?

BRENDAN: 'bout four thirty, five

FASSBENDER: OK.

WIEGERT: And then what happens?

BRENDAN: She asked me if anybody got the mail. I'm like yeah, I did and watched TV more and he came over and asked if she wanted help.

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WIEGERT: He came over and asked you what?

BRENDAN: If I could help him move somethin'.

WIEGERT: OK.

FASSBENDER: OK, let's, to this point now, I think we're pretty close to the truth. How close are we Brendan?

BRENDAN: Pretty close.

FASSBENDER: OK, then give us the little parts that we don't have yet up ta that point. Does Steven? There's somethin' in there we're missin'. You heard her, I have a feelin' he saw you, you saw him somethin' in here that we're missin' cuz you know we're not idiots, I don't see him comin' over to the house and asking you to help him unless you knows you know somethin' so tell us what you knew that he knew.

WIEGERT: It's OK Brendan. We already know.

FASSBENDER: I think you went over to his house and then he asked him to get his mail somethin' in here is missing.

BRENDAN: Well, when I got the mail there was like a envelope in there with his name on it.

FASSBENDER: All right.

WIEGERT: OK, now we're goin' so what did you do?

BRENDAN: I knocked on the door and he answered it.

WIEGERT: Yeah, and then what?

BRENDAN: I gave it to him and then I left.

WIEGERT: Come on now. You just heard screaming over there.

FASSBENDER: You're making this hard on us and yourself.

WIEGERT: Be honest. You went inside, didn't you? (Brendan nods "yes")

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- FASSBENDER: Yeah.
- WIEGERT: You went in the trailer?
- BRENDAN: mm huh. (nods "yes")
- FASSBENDER: You're noddin'.
- WIEGERT: OK. Did he invite you in?
- BRENDAN: Yeah.
- WIEGERT: OK and where was she?
- BRENDAN: In his room.
- WIEGERT: OK, did you go back there and look?
- BRENDAN: No. (shakes head "no")
- WIEGERT: Brendan, be honest.
- BRENDAN: I didn't.
- WIEGERT: How do you know she was in his room?
- BRENDAN: The door was open.
- WIEGERT: Could you see her?
- BRENDAN: (nods "yes")Yeah.
- WIEGERT: Was she alive?
- BRENDAN: Well she was handcuffed to a, the thing.
- WIEGERT: She was handcuffed to what?
- BRENDAN: The bed.
- WIEGERT: Was she naked? (Brendan nods "yes") Was she alive?

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-
- BRENDAN: Yeah.
- WIEGERT: How do you know?
- BRENDAN: Cuz she was moving around.
- WIEGERT: Was she making any noise?
- (pause)
- FASSBENDER: It's alright bud.
- BRENDAN: Yeah.
- FASSBENDER: What was she sayin'?
- BRENDAN: Screaming for help.
- WIEGERT: What was handcuffed? Her hands or her legs or both?
- BRENDAN: Both.
- WIEGERT: And what were they handcuffed to?
- BRENDAN: Like the hand like there is round poles on each side.
- WIEGERT: OK.
- FASSBENDER: Of his bed? (Brendan nods "yes") And you, your, your gettin' there OK. Lets back up again and did you go get the mail?
- BRENDAN: Yeah.
- FASSBENDER: When you went to get the mail with your bike did you hear somethin' at that time or did it happen when you came back with the mail?
- (pause)
- FASSBENDER: You can do it. Just tell us the truth.
- BRENDAN: When I came back.

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FASSBENDER: I gotta believe this is in your in your mind right now like a picture. (Brendan nods "yes") There's a video in your mind, this whole thing and you're trying to get it out and the only way you can get it out is by talking about it right now. So you came back, did you have a letter for Steven?

BRENDAN: Yeah.

FASSBENDER: Did you go ta his trailer?

BRENDAN: Yeah.

FASSBENDER: Did you hear screaming coming from inside the trailer?

BRENDAN: Yeah.

FASSBENDER: What did you do then? You had to, are you at the door or where are you? When you first hear the screaming where are you?

BRENDAN: Like by the other camper that we passed.

FASSBENDER: Way down there?

BRENDAN: mm huh.

FASSBENDER: You hear screaming half, halfway or a quarter way down that frontage road, your driveway road?

BRENDAN: (nods "yes")Yeah.

FASSBENDER: Do you are you able to make out any of the words?

BRENDAN: (shakes head "no") No.

FASSBENDER: OK. Take me from there and be honest so we don't have ta keep backing up here. Cuz, we, we know but we need it in your words. I can't, I can't say it.

WIEGERT: Brendan, I already know. You know we know. OK. Come on buddy. Let's get this out, OK?

FASSBENDER: You're coming back with the mail, take us through it. It's the video in your head, play it for us.

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WIEGERT: You come back with the mail. What happens?

BRENDAN: Well I stopped and I seen if there was any mail for me so and I seen Steven's so I went over there right away ta bring it over by 'em and I knocked like three times and then he finally came.

FASSBENDER: Are you hearing anything coming from the other side of the trailer at this time?

BRENDAN: Yeah.

FASSBENDER: What?

BRENDAN: The words, help me.

FASSBENDER: OK. That's gotta be pretty devastating, right? (Brendan nods "yes") But you still knock.

BRENDAN: mm huh.

WIEGERT: You went into the trailer then? (Brendan nods "yes")

FASSBENDER: You knock and he comes to the door. What's he look like? Is he dressed, has he got anything on him, what-what's he look like?

BRENDAN: He's got a white shirt on with red shorts and all sweaty.

FASSBENDER: He's all sweaty. (Brendan nods "yes") Any blood, at this time?

BRENDAN: (shakes head "no") No.

FASSBENDER: All right.

WIEGERT: Does he let you in the trailer?

BRENDAN: He asks me in the kitchen.

WIEGERT: He what?

BRENDAN: He walks me into the kitchen.

FASSBENDER: What does he say to you?

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BRENDAN: If I want a soda.

FASSBENDER: Does he know you've heard anything? Is she still saying stuff?

BRENDAN: Yeah.

FASSBENDER: Then he walks you into the kitchen. (Brendan nods "yes") OK, play the video for us Bud, tell us what's happenin'.

WIEGERT: It's OK, tell us what happened. What did he say to you?

BRENDAN: That he never got some of that stuff so he wanted to get some.

FASSBENDER: Never got what?

BRENDAN: A girl.

WIEGERT: OK.

FASSBENDER: What'd you say just a second ago though?

WIEGERT: Repeat what you said.

BRENDAN: That he wanted to get some.

FASSBENDER: Some what?

BRENDAN: Pussy.

WIEGERT: That's what he said to you? (Brendan nods "yes") OK.

FASSBENDER: Now I can start believing you, OK? (Brendan nods "yes")

WIEGERT: So do you have a soda?

BRENDAN: mm huh. (Brendan nods "yes")

WIEGERT: Ands then what happens next?

BRENDAN: I open it and drank some.

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FASSBENDER: What's he sayin' to you? (pause) It's all right. You are doing the right thing.

WIEGERT: Come on, what's he sayin'?

BRENDAN: That he wants to keep on doing it.

WIEGERT: OK.

FASSBENDER: Doing what?

BRENDAN: Raping her.

FASSBENDER: What kind of words is he use, using though? You can say those words here.

BRENDAN: That he wanted to fuck her so hard.

FASSBENDER: Yeah.

WIEGERT: Could you see her at this time?

BRENDAN: (shakes head "no") No.

WIEGERT: OK. What happens next? Remember, we already know, but we need to hear it from you, it's OK. It's not your fault. What happens next?

FASSBENDER: Does he ask you?

WIEGERT: He does, doesn't he?

FASSBENDER: We know.

WIEGERT: He asks you doesn't he? (Brendan nods "yes") What does he ask you?

BRENDAN: That if I wanted the girlfriend.

FASSBENDER: Tell us how he said it.

BRENDAN: That if, if he wanted me to have to get some pussy.

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FASSBENDER: Yeah, OK.

WIEGERT: And then what happens next?

BRENDAN: That he said that if I wanted to I could go get some but not right now.

WIEGERT: Come on, be honest, you went back in that room.

FASSBENDER: Tell us now Brendan.

WIEGERT: We know you were back there. Let's get it all out today and this will be all over with.

FAASSBENDER: He asked if you want some, right? (Brendan nods "yes") That's what you told us.

BRENDAN: Um huh.

FASSBENDER: If you want some pussy,

WIEGERT: Wha

FASSBENDER: What did you tell him?

BRENDAN: I said I wasn't aged and so he took me back there and showed me some.

WIEGERT: What did he show you?

BRENDAN: Her naked body.

WIEGERT: OK, was she alive?

BRENDAN: Yeah.

WIEGERT: Is she talking?

BRENDAN: Yeah.

WIEGERT: What'd she say? (pause) What'd she sayin'? I know it's hard but you gotta tell us, what'd she say?

FASSBENDER: The video will never go away unless you can talk to us about it.

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- WIEGERT: Go ahead, what'd she say?
- BRENDAN: She's asking Steven why he would do something like that.
- FASSBENDER: Did she say anything to you? She see, does she see you?
- BRENDAN: Yeah.
- FASSBENDER: Does she say something to you?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Describe again, were you accurate when you described how she was on the bed, how is she attached, where is she, tell us that and be truthful again.
- BRENDAN: That she was chained up to the bed and, 'er she's faced up.
- FASSBENDER: Face up, no clothes on?
- BRENDAN: (shakes head "no") Uh uh.
- WIEGERT: What do you mean she's chained up, explain that.
- BRENDAN: Like some handcuffs.
- WIEGERT: Where are the handcuffs? On her arms or on her legs, or where?
- BRENDAN: Both.
- WIEGERT: OK.
- FASSBENDER: Do you remember the color of the handcuffs? And the leg irons? (shakes head "no")
- BRENDAN: Like regular ones.
- FASSBENDER: Which would be what color?
- BRENDAN: Silver.
- FASSBENDER: OK.

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WIEGERT: Now are her legs spread apart or are they together or tell us how it looks?

BRENDAN: Like spread apart a little bit.

WIEGERT: So you, he, he brings you back there and he shows you her (Brendan nods "yes") and what do you do? Honestly. Because we think

FASSBENDER: Very important.

WIEGERT: We know happened.

FASSBENDER: It's hard to be truthful.

WIEGERT: We know what happened, it's OK. (pause) What did you do?

BRENDAN: I didn't do nothin'.

BRENDAN: Brendan, Br-Brendan, come on. What did you do?

FASSBENDER: What does Steven make you do?

WIEGERT: It's not your fault, he makes you do it.

BRENDAN: He told me ta do her.

WIEGERT: OK. What does that mean to you?

BRENDAN: Ta screw her.

WIEGERT: OK. Did you do that? Honestly?

BRENDAN: Yeah.

WIEGERT: OK.

FASSBENDER: All right, take a breath Bren, take a breath, that's very hard to admit to.
Did he watch?

BRENDAN: Yeah.

FASSBENDER: You said you, tell us what you did, you take your clothes off?

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-
- BRENDAN: Yeah.
- FASSBENDER: And you had intercourse with her? (Brendan nods "yes")
- WIEGERT: What does intercourse mean to you?
- BRENDAN: That you stuck it in her.
- WIEGERT: Stuck what in her? It's OK.
- BRENDAN: My penis.
- WIEGERT: An where did you stick it?
- BRENDAN: In her vagina.
- WIEGERT: OK. (pause). How many times did you do that? How long did it take?
- BRENDAN: Five minutes.
- WIEGERT: OK. What did you do after that?
- BRENDAN: Put my clothes back on.
- WIEGERT: OK. Where is Steve at this time.
- BRENDAN: Standing by the door.
- WIEGERT: What does Steve do then?
- BRENDAN: Told me I di, I did a good job.
- FASSBENDER: Was she saying anything, while you were doing this? (Brendan shakes head "no") Why?
- BRENDAN: I don't know.
- FASSBENDER: Was, did she have anything over her mouth or was it clear? Tell us the truth.
- BRENDAN: It was clear.

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FASSBENDER: There was nothin' covering her mouth? (Brendan shakes head "no") Did she ask you not to do this to her?

BRENDAN: Yeah.

FASSBENDER: Tell me what she said.

BRENDAN: She told me not to do it so and told me not, to do the right thing.

FASSBENDER: Which was what?

BRENDAN: Not, not to do it and tell Steven to knock it off.

FASSBENDER: Did she ask you to do anything else for her?

BRENDAN: Ta uncuff her.

FASSBENDER: Go ahead. Anything else? (Brendan shakes head "no") (pause) Were these things she was saying to you while you were doing this act?

BRENDAN: Yeah

FASSBENDER: Was she kinda sayin' it softly or loud enough or what?

BRENDAN: Well she was cryin' an.

FASSBENDER: OK.

WIEGERT: After you're done and you put your clothes on, what happens next?

BRENDAN: He told me I did a good job and then he closed the door.

WIEGERT: OK.

BRENDAN: Took me in the living room, watched a little TV.

WIEGERT: Both of you did? (Brendan nods "yes")

FASSBENDER: He didn't stay in the bedroom or go back in there?

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

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- WIEGERT: How long did you watch TV?
- BRENDAN: 'bout 15 minutes.
- WIEGERT: And then what happens?
- FASSBENDER: And what's he sayin' while you're watching TV? Are you discussing this situation now?
- BRENDAN: Yeah.
- FASSBENDER: What's he say, what did he sayin'? (pause) As hard as this is, you gotta tell us what he's sayin'.
- BRENDAN: He told me that's how you do it and
- WIEGERT: What else?
- BRENDAN: That feels, he asked me if it felt good.
- WIEGERT: Then what did you talk about, what else did you talk about?
- BRENDAN: That how he was going to get rid of it.
- WIEGERT: And what did he tell you?
- BRENDAN: That he was going to burn her.
- FASSBENDER: When you say get rid of it, what do you mean?
- BRENDAN: Get rid of her body.
- FASSBENDER: OK.
- WIEGERT: And he says what?
- BRENDAN: That he was going to burn her body after that happened.
- WIEGERT: Was there anything else that you guys talk about?
- BRENDAN: (shakes head "no") No.

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- WIEGERT: Then what happens after that?
- FASSBENDER: Is she alive yet?
- BRENDAN: Yeah.
- FASSBENDER: OK.
- WIEGERT: What happens after you were done watching TV for 15 minutes.
- BRENDAN: I told him I had to leave cuz I had ta call Travis.
- WIEGERT: Brendan, be honest. You were there when she died and we know that. Don't start lying now. We know you were there. What happened?
- FASSBENDER: He ain't gonna lie to you, hey we know that OK.
- WIEGERT: We already know, don't lie to us now, OK, come on. What happens next?
- FASSBENDER: You're just hurting yourself if you lie now.
- BRENDAN: Then he went in, back in there and he stabbed her.
- WIEGERT: You were with him? (Brendan nods "yes") Yes?
- BRENDAN: Yeah.
- WIEGERT: Where did he stab her?
- BRENDAN: In the stomach.
- WIEGERT: What else did he do to her? (pause) He did something else, we know that. (pause) What else?
- BRENDAN: So he tried, she, he tied her up.
- WIEGERT: What do you mean he tied her up?
- BRENDAN: So he could take her out there.
- WIEGERT: Before or after he stabbed her?

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- BRENDAN: After.
- WIEGERT: When he stabbed her, did she scream or what?
- BRENDAN: Yeah.
- WIEGERT: How many times did he stab her?
- BRENDAN: Once.
- WIEGERT: Then show me where.
- BRENDAN: Right here.
- WIEGERT: We know he did something else to her, what else did he do to her?
- BRENDAN: He choked her.
- WIEGERT: How did he do that? Tell me how he did it.
- BRENDAN: With his hands.
- WIEGERT: Was he on top of her?
- BRENDAN: Yeah.
- WIEGERT: And did he choke her until what, did she go unconscious, what, tell me.
- BRENDAN: That she couldn't breathe anymore.
- WIEGERT: Yeah. Did she fall asleep, go unconscious?
- BRENDAN: Go unconscious.
- WIEGERT: Is that before or after he stabbed her?
- BRENDAN: After.
- WIEGERT: So he stabs her, show me what he does. Just demonstrate for me.

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FASSBENDER: Yeah, let's, you-you co-come down the roo, the hallway, he , you go with him?

BRENDAN: Yeah.

FASSBENDER: What does he tell you he's going to do at, this time, you're goin' back to the bedroom?

BRENDAN: That he was gonna tie her up, stab her and then choke like, choke her and that.

FASSBENDER: He told you this?

BRENDAN: Yeah.

FASSBENDER: And you went with him.

BRENDAN: (nods "yes")

FASSBENDER: He went into the bedroom, what does he do? Again the video, you see it, I know you see it, what does he do?

BRENDAN: That he gr, he grabs the rope that was on the side of the bed, tied her up, stabbed her like this and jumped on her and started choking her.

FASSBENDER: Is she fighting at this time?

BRENDAN: She's trying ta move away.

FASSBENDER: Is she saying anything?

BRENDAN: Screaming.

WIEGERT: You helped to tie her up though, didn't you? (pause) Brendan, cuz he couldn't tie her up alone, there's no way. Did you help him tie her up?

BRENDAN: Yeah.

WIEGERT: OK. Tell me what you did.

(pause)

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FASSBENDER: Go ahead Bud.

BRENDAN: That he was on the other side and, we had ta unhook the ch, the, the hands and tied her up.

WIEGERT: So you helped unhook her hands? And what exactly did you do? Tell me exactly what you did.

BRENDAN: I got the key for the lock and unlocked it and after a, I grabbed her arm, put it on the side and tied her up.

WIEGERT: What arm?

BRENDAN: Her le, right one.

WIEGERT: So you grab her right arm and you do what with it?

BRENDAN: Put it on the side like this. I put the rope right here.

FASSBENDER: Did you tie her up in front or behind? Did you tie her, I guess I want to say did you tie her hands up?

BRENDAN: Yeah.

FASSBENDER: In front or behind her body?

BRENDAN: In front.

FASSBENDER: How? Like this or like or like this, show us.

BRENDAN: Like this.

FASSBENDER: OK. What is she saying at this time? Or is Steven telling her something? What's he telling her?

BRENDAN: She was saying to stop doing what he was.

FASSBENDER: And what's he saying?

BRENDAN: That he wouldn't.

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WIEGERT: What's he saying though, I mean what's words is he using? Is he swearing at her, what is he saying?

BRENDAN: He told her to shut her mouth up.

FASSBENDER: Is he telling her that he's gonna kill her, is he telling her he's gonna let her go, what's he telling her?

BRENDAN: That he was gonna kill her.

WIEGERT: So you tie her up, then what happens?

BRENDAN: Then we get the other rope and tie her legs up.

WIEGERT: How'd you do that?

BRENDAN: Around the bottom, like where the

WIEGERT: Show me on you where he does that, where you guys do that?

BRENDAN: Right here.

WIEGERT: Who ties her legs up?

BRENDAN: He does.

WIEGERT: Do you help? Otherwise she's gonna kick.

BRENDAN: Yeah.

WIEGERT: Did you help or not, yes or no?

BRENDAN: (nods "yes") Yeah.

WIEGERT: OK, tell me how you did that.

BRENDAN: I held, I held her feet down.

WIEGERT: Held her feet down. (Brendan nods "yes") And what did Steve do?

BRENDAN: He tied her legs up.

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-
- FASSBENDER: Is this on the bed?
- BRENDAN: (nods "yes") mm huh.
- WIEGERT: Then what happens?
- BRENDAN: He told me to grab her feet and we took her outside.
- FASSBENDER: Is she still alive?
- BRENDAN: No, she was unconscious er
- FASSBENDER: OK, OK, you got her tied up, she's, when you're getting her tied up, is she, is she alive or has he choked her already?
- BRENDAN: He choked her already.
- FASSBENDER: Did he choke her when she had the handcuffs on?
- BRENDAN: Yeah.
- FASSBENDER: OK.
- WIEGERT: When did he stab her?
- BRENDAN: When, before he choked her.
- FASSBENDER: Are you sure about that? (Brendan nods "yes")
- WIEGERT: So she's laying there, handcuffs on, and that's when Steve stabs her?
- BRENDAN: mm huh. (nods "yes")
- WIEGERT: And then, then he chokes her after that?
- BRENDAN: Yeah.
- WIEGERT: Are you sure? (Brendan nods "yes")
- FASSBENDER: Where exactly did he stab her again?
- BRENDAN: In the stomach.

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- FASSBENDER: Was it the chest or the stomach?
- BRENDAN: Well sort of in the ribs.
- FASSBENDER: An what did he use to stab her?
- BRENDAN: A knife.
- FASSBENDER: Where did he get the knife from?
- BRENDAN: From the kitchen.
- FASSBENDER: And what, how big was the knife, show us.
- BRENDAN: 'bout like that.
- FASSBENDER: About that big and he got it out of the kitchen. When he went in there, did he threaten her with the knife, did he just go right and do it, what did he do?
- BRENDAN: That he threatened her.
- FASSBENDER: Tell us what he said.
- BRENDAN: That he was gonna kill her by stabbing her and not lettin' her go.
- WIEGERT: What else did he do to her? We know something else was done. Tell us, and what else did you do? Come on. Something with the head. Brendan?
- BRENDAN: Huh?
- FASSBENDER:can't
- WIEGERT: What else did you guys do, come on.
- FASSBENDER: What he made you do Brendan, we know he made you do somethin' else.
- WIEGERT: What was it? (pause) What was it?
- FASSBENDER: We have the evidence Brendan, we just need you ta, ta be honest with us.
- BRENDAN: That he cut off her hair.

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-
- WIEGERT: He cut off her hair? In the house?
- BRENDAN: mm huh.
- WIEGERT: Why did he do that? Was she alive?
- BRENDAN: No.
- WIEGERT: What did he do with the hair?
- BRENDAN: He set it down on the counter.
- WIEGERT: The counter where?
- BRENDAN: Like a dresser.
- FASSBENDER: What did he use to cut the hair off with?
- BRENDAN: The knife.
- FASSBENDER: Was she alive? (Brendan shakes head "no")
- FASSBENDER: Did he say why he did that?
- BRENDAN: No.
- WIEGERT: OK, what else?
- FASSBENDER: What else was done to her head?
- BRENDAN: That he punched her.
- WIEGERT: What else? (pause) What else?
- FASSBENDER: He made you do somethin' to her, didn't he? So he-he would feel better about not bein' the only person, right? (Brendan nods "yes") Yeah.
- WIEGERT: mm huh.
- FASSBENDER: What did he make you do to her?

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(pause)

WIEGERT: What did he make you do Brendan? It's OK, what did he make you do?

BRENDAN: Cut her.

WIEGERT: Cut her where?

BRENDAN: On her throat.

WIEGERT: Cut her throat? Te-when did that happen?

BRENDAN: Before he picked her off the bed?

WIEGERT: So she was alive yet right? (Brendan nods "yes")

WIEGERT: So she's alive and you cut her throat?

BRENDAN: mm huh.

WIEGERT: Was that before or after Steve stabbed her?

BRENDAN: After.

WIEGERT: It was after Steve stabbed her?

BRENDAN: (nods "yes") mm-huh.

WIEGERT: Was she a-how do you know she was alive? (pause) Tell me. When you cut her throat, how do you know she was alive?

BRENDAN: She was breathing a little bit.

WIEGERT: She was breathing a little bit. Did Steve tell you to do that?

BRENDAN: Yeah.

(Fassbender and Wiegert speaking at the same time- cannot understand)

FASSBENDER: How'd he tell you to do, how'd he tell you to do that? What'd he say?

BRENDAN: To go across her throat and pull it back.

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- FASSBENDER: Did he say why he wanted you to do that?
- BRENDAN: No. (shakes head "no")
- WIEGERT: Which knife did you use?
- BRENDAN: The same one he stabbed her with.
- FASASBENDER: And how many times did he stab her again?
- BRENDAN: Once.
- FASSBENDER: Are you sure about that? (Brendan nods "yes")
- WIEGERT: So Steve stabs her first and then you cut her neck? (Brendan nods "yes") What else happens to her in her head?
- FASSBENDER: It's extremely, extremely important you tell us this, for us to believe you.
- WIEGERT: Come on Brendan, what else?
- (pause)
- FASSBENDER: We know, we just need you to tell us.
- BRENDAN: That's all I can remember.
- WIEGERT: All right, I'm just gonna come out and ask you. Who shot her in the head?
- BRENDAN: He did.
- FASSBENDER: Then why didn't you tell us that?
- BRENDAN: Cuz I couldn't think of it.
- FASSBENDER: Now you remember it? (Brendan nods "yes") Tell us about that then.
- BRENDAN: That he shot her with his .22.
- WIEGERT: You were there though?

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-
- BRENDAN: Yeah.
- WIEGERT: Where did this happen?
- BRENDAN: Outside.
- WIEGERT: Ouside? Before? Tell me when it happened?
- BRENDAN: When we brung her outside ta throw her in the fire.
- WIEGERT: OK. So let's back up, OK? So I wanna go through this OK. So he stabs her (Brendan nods "yes") and chokes her?
- BRENDAN: mm huh.
- WIEGERT: And then you do what?
- BRENDAN: I help tie her up.
- WIEGERT: OK. And then what?
- BRENDAN: Then we
- WIEGERT: You cut her throat somewhere in there?
- BRENDAN: Yeah.
- WIEGERT? Yes?
- BRENDAN: Yeah.
- WIEGERT: And then what?
- BRENDAN: Cut off 'er, some of her hair.
- WIEGERT: OK.
- BRENDAN: Then we brung her outside and shot her.
- WIEGERT: Was she alive when you shot her?
- BRENDAN: I don't know.

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- WIEGERT: Where did you shoot her?
- BRENDAN: In the head.
- WIEGERT: Who shot her?
- BRENDAN: He did.
- FASSBENDER: How many times?
- BRENDAN: Twice.
- FASSBENDER: In her body too or where else? (pause) How many times do you shoot her Brendan?
- BRENDAN: Twice.
- FASSBENDER: Total? Not just in the head. (pause) Do you shoot her elsewhere? Honestly?
- BRENDAN: In the stomach.
- FASSBENDER: How many times did you shoot her when he handed you the gun?
- BRENDAN: Zero.
- WIEGERT: Where did?
- BRENDAN: Cuz I couldn't shoot no more.
- WIEGERT: What do you mean couldn't shoot no more?
- BRENDAN: Cuz we used to have a cat that was like somethin' was wrong with 'em and we had to shoot 'em because we didn't want to pay for the bills.
- WIEGERT: mm huh.
- BRENDAN: And my mom told me not to watch when hers nows ex-boyfriend
- WIEGERT: mm huh.

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BRENDAN: Shot it, shot 'em and I couldn't watch.

WIEGERT: mm huh.

FASSBENDER: Brendan, we're in the bedroom yet, OK? (Brendan nods "yes") She's handcuffed yet right? (Brendan nods "yes") And you're tellin' me if, obviously correct me if I'm wrong, what we heard. (Brendan nods "yes") While she's handcuffed and alive, he stabs her.

BRENDAN: (nods "yes") mm huh.

FASSBENDER: Chokes her? Right? (Brendan nods "yes") Is that right?

BRENDAN: (nods "yes") mm huh.

FASSBENDER: And then he has you cut her neck?

BRENDAN: Yeah.

FASSBENDER: And then you cut some hair off. (Brendan nods "yes") Is it after that, that she, does she look like she's dead then? Or is she not dead?

BRENDAN: It looks like she's dead.

FASSBENDER: You don't, do you see any breathing left?

BRENDAN: (shakes his head "no") No.

FASSBENDER: Is it then that you take the handcuffs off, and tie her up?

BRENDAN: Yeah.

FASSBENDER: You can remember. So you think after she, she looks like she's dead then you, you guys tie her up? (Brendan nods "yes") Then what do you do? How do you get her outside? Is this when you carry her? (Brendan nods "yes") When you say you carried her?

BRENDAN: Yeah.

FASSBENDER: What part of her body did you carry?

BRENDAN: The feet.

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-
- FASSBENDER: And Steven did what?
- BRENDAN: He carried the head.
- FASSBENDER: And what door did you go out of?
- BRENDAN: That one where the cement a stairs are.
- FASSBENDER: And that's located in proximity to what inside, is it near his bedroom, far away?
- BRENDAN: Near.
- FASSBENDER: Is the bathroom near there?
- BRENDAN: Yeah, straight across.
- FASSBENDER: Straight across from that door? (Brendan nods "yes")
- WIEGERT: Where did you take her then?
- BRENDAN: Take her outside on the side of the garage and shoot her.
- WIEGERT: Take her outside of the garage and shoot her?
- BRENDAN: On the side of it, yeah.
- WIEGERT: OK, and then what do you do with her?
- FASSBENDER: Is it dark out?
- BRENDAN: Like a little bit.
- WIEGERT: What'd you do then?
- BRENDAN: Then we, he puts the gun on the ground and we carry her into the fire.
- WIEGERT: How many times did you shoot her? (pause) Tell me again, how many times did you shoot her?
- BRENDAN: Three.

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-
- WIEGERT: And where, where did he shoot her?
- BRENDAN: In the head, stomach, and the heart.
- WIEGERT: Do you know what side of the head?
- BRENDAN: (shakes head "no") No.
- WIEGERT: So you take her out of that house by the cement steps, you carry her to the side of the garage?
- BRENDAN: mm huh. (nods "yes")
- WIEGERT: Was she ever in the garage?
- BRENDAN: No. (shakes head "no")
- WIEGERT: OK, so you carry her to the side of the garage (Brendan nods "yes") and you guys shoot 'er, and Steve shoots her or you shoot her?
- BRENDAN: He does.
- WIEGERT: Who's he?
- BRENDAN: Steven.
- WIEGERT: And who does Steven shoot?
- BRENDAN: Her.
- WIEGERT: What's her name?
- BRENDAN: Teresa.
- WIEGERT: OK. And he shoots her three times (Brendan nods "yes") and then what do you do?
- BRENDAN: We carry her to the fire.
- WIEGERT: OK, what time is it about?
- BRENDAN: About 6:00, 6:30.

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WIEGERT: OK.

FASSBENDER: Did he say, w-what did he say while he was shooting her? Or just before he shot her?

BRENDAN: That we had to hurry up before he had some people coming over.

FASSBENDER: Was the car still out front?

BRENDAN: Yeah

FASSBENDER: OK, we're gonna take ya where Mark just took ya and we know there's some, some things that you're, you're not tellin' us. We need to get the accuracy about the garage and stuff like that and the car.

WIEGERT: How does the car get in the garage?

BRENDAN: He drives it in there.

WIEGERT: After he puts her on the fire or before?

BRENDAN: After.

WIEGERT: OK, so lets go back to outside, you carry her over, she's naked, right? (Brendan nods "yes") And you put her on the fire?

BRENDAN: mm huh.

WIEGERT: And what do you do when she's on the fire?

BRENDAN: We threw some tires on top of her and some branches.

WIEGERT: You threw tires and branches on her (Brendan nods "yes"), and then what?

BRENDAN: We just let it burn.

WIEGERT: Well who started the fire?

BRENDAN: He did.

WIEGERT: Who's he?

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BRENDAN: Steven.

WIEGERT: What did he start it with?

BRENDAN: Some gas.

FASSBENDER: When did he start it?

BRENDAN: Before I got there.

FASSBENDER: OK.

WIEGERT: Wh-wh-what do you mean, before you got there? You carry her out, is the fire burning already when you carried her out?

BRENDAN: Yeah. (nods "yes")

WIEGERT: So you throw her on top of the fire?

BRENDAN: (nods "yes") mm huh.

FASSBENDER: This fire is going when you go knock on the door?

BRENDAN: Yeah.

FASSBENDER: That's what you mean by before you got there?

BRENDAN: (nods "yes") mm huh.

WIEGERT: Does he say why the fire's burning?

BRENDAN: (shakes head "no") No.

WIEGERT: So, you when you carried her out of the house, and you put 'er by the garage, and Steve shoots her, then you put her on top of the fire that's already going?

BRENDAN: mm huh. (nods "yes")

WIEGERT: OK, and then what do you do from there, go ahead.

BRENDAN: That, he wanted me ta

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- WIEGERT: He wanted you to what?
- BRENDAN: Go in the garage and help him move um, move the jeep down into the pit.
- WIEGERT: OK, so she's there burning, what do you put on top of her or do you put something on top of her in the fire?
- BRENDAN: Just the branches and the tires.
- WIEGERT: Branches and the tires. Let's go back a few minutes. Where did you get the gun from, or where did Steven get the gun from?
- BRENDAN: From out of his room.
- WIEGERT: Of his, what room?
- BRENDAN: The bedroom.
- WIEGERT: Where does he get the shells from, do you know?
- BRENDAN: (shakes head "no") Uh uh.
- WIEGERT: OK, and which gun was it?
- BRENDAN: The .22.
- WIEGERT: OK.
- FASSBENDER: OK Brendan, we gotta, I think, I think you're doin' a real good job up to this point of ah coming forward and stuff, but you bring her out of the house, you just said that ah, after you put her on the, on the fire, then, then you wanted to get the car, help get the car out of the garage and stuff. (Brendan nods "yes") Again, we have, w-we know that some things happened in that garage, and in that car, we know that. You need to tell us about this so we know you're tellin' us the truth. I'm not gonna tell you what to say, you need to tell us.
- BRENDAN: That he, he was gonna put
- WIEGERT: Do not sign it, do not serve it.
- BRENDAN: He was gonna put her in the je-in the back of the jeep

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WIEGERT: Do not sign it, do not serve it.

BRENDAN: An we were gonna take her down in the pit and throw 'er in that water.

FASSBENDER: OK.

BRENDAN" We, he came up with burning her. So he set her back on the floor and then, that's when he threw her in the fire.

FASSBENDER: OK, now let's back up, so M-Mark can hear this too. You bring her out of the house, you, you're gonna take, you took her in the garage? (Brendan nods "yes") Tell me what happened again so Mark can hear this.

BRENDAN: Well he put her in the back of the jeep and he said he was gonna go down in the pit and throw her in the water in the pond and that's when he came up with burning her.

WIEGERT: Who?

FASSBENDER: Earlier you said this fire was going already.

BRENDAN: Yeah. (nods "yes")

FASSBENDER: It was? (Brendan nods "yes")

WIEGERT: So you take her, when is she shot then?

FASSBENDER: Tell us where she was shot?

BRENDAN: In the head.

FASSBENDER: No, I mean where, in the garage

BRENDAN: Oh.

FASSBENDER: Outside, in the house?

BRENDAN: In the garage.

FASSBENDER: OK.

WIEGERT: Was she on the garage floor or was she in the truck?

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-
- BRENDAN: Innn the truck.
- WIEGERT: Ah huh, come on, now where was she shot? Be honest here.
- FASSBENDER: The truth.
- BRENDAN: In the garage.
- WIEGERT: Before she was put in the truck or after?
- BRENDAN: After.
- FASSBENDER: So she's in the truck and that's when he shoots her? (Brendan nods "yes") How many times? (pause) Remember weeee got a number of shell casings that we found in that garage. I'm not gonna tell ya how many but you need to tell me how many times, about, that she was shot.
- WIEGERT: We know you shot her too. Is that right? (Brendan shakes head "no") Then who did?
- BRENDAN: I don't know.
- WIEGERT: Who shot her?
- BRENDAN: I didn't even touch the gun.
- WIEGERT: OK. How many times did Steven shoot her?
- BRENDAN: About ten.
- FASSBENDER: And she was in the back of the truck or the SUV that whole time that he shot her?
- BRENDAN: She was on the, the garage floor.
- WIEGERT: She was on the garage floor, OK.
- FASSBENDER: All right.
- WIEGERT: That makes sense. Now we believe you.

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FASSBENDER: Yeah. So you bring her out of the ca-or the trailer, right? (Brendan nods "yes") And do you take her right into the garage?

BRENDAN: mm huh.

FASSBENDER: And where you place her, where'd you set her down?

BRENDAN: Down on the floor where the lawn mower was sittin' a little bit.

FASSBENDER: Is the jeep in there already or not?

BRENDAN: Yeah.

FASSBENDER: When did he take that or go out and put that in there?

BRENDAN: Whe-he, where'd he put the, the jeep?

FASSBENDER: Yeah, when did he put her vehicle in the garage?

BRENDAN: Beeefore.

FASSBENDER: The truth, (pause) the truth. Was the jeep in there already before you even went to her house, or his house?

BRENDAN: No.

FASSBENDER: No. (Brendan shakes head "no") OK, so when did he do it?

BRENDAN: When he set her down on the, the ground, 'er in the garage.

WIEGERT: So you bring her into the garage, you set her on the garage floor?

BRENDAN: (nods "yes") mm huh.

WIEGERT: And then what happens?

BRENDAN: He backs up the jeep and we put her in the back. Then he says that he knows a better way, that he would burn 'er.

WIEGERT: OK, then what?

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BRENDAN: We set 'er on the floor and he shoots her ten times maybe. Go put her on the fire.

FASSBENDER: Did he say why he shot her again?

BRENDAN: (shakes head "no") No.

FASSBENDER: Was he mad at this time?

BRENDAN: Yeah.

WIEGERT: So let me just back up again, so you bring her into the garage, you put her in the truck initially?

BRENDAN: (nods "yes") mm huh.

WIEGERT: Then you take her out of the truck?

BRENDAN: (nods "yes") mm huh.

WIEGERT: And then he shoots her? (Brendan nods "yes") And then what?

BRENDAN: We grab her and we put her in and take her over the fire and throw her on.

WIEGERT: And the fires already burning?

BRENDAN: (nods "yes") mm huh.

WIEGERT: And after you put her in the fire, what do you do with the fire?

BRENDAN: We threw some tires and some more branches on.

WIEGERT: OK.

FASSBENDER: How did you get her to the fire again.

BRENDAN: We a, used that a thing.

FASSBENDER: Ah, what's a thing?

BRENDAN: The thing we used ta get un-under the car?

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- FASSBENDER: You did use that. (Brendan nods "yes") You didn't carry her out there.
- BRENDAN: (shakes head "no") mm uh.
- WIEGERT: So you loaded her on the creeper? (Brendan nods "yes") Is that what it's called?
- BRENDAN: Yeah.
- WIEGERT: And you slid that out to where?
- BRENDAN: To the fire.
- WIEGERT: OK. And then you threw her in the fire.
- BRENDAN: (nods "yes") uh huh.
- WIEGERT: And then what did you do with the creeper? (pause) It's OK, what'd you do with it?
- BRENDAN: Put it back in the garage.
- WIEGERT: Is that in the garage now you think?
- BRENDAN: I don't know.
- WIEGERT: OK.
- FASSBENDER: And that was what color again?
- BRENDAN: Black and red.
- WIEGERT: After she's in the fire, what do you guys do next?
- BRENDAN: Go take the jeep down in the pit.
- FASSBENDER: Tell us how.
- BRENDAN: He drove it down there and
- FASSBENDER: Were you in the jeep with him?

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- BRENDAN: (nods "yes") mm huh.
- FASSBENDER: OK, tell us how you got down there.
- BRENDAN: He drove.
- FASSBENDER: Truthfully.
- BRENDAN: He drove down there and he put it back by the trees and covered it with branches and a hood.
- FASSBENDER: How did you get down there? What route did you take?
- BRENDAN: Past Chuckie's house.
- FASSBENDER: You did go past Chuckie's?
- BRENDAN: (nods "yes") mm huh.
- FASSBENDER: Did Chuckie see you guys?
- BRENDAN: (shakes head "no") I don't know.
- FASSBENDER: OK.
- WIEGERT: Who put the stuff on the car?
- BRENDAN: We both did.
- WIEGERT: Who put the hood on the car?
- BRENDAN: He had one side and I had the other.
- WIEGERT: OK. After he put the car there, what do you do next?
- BRENDAN: We walk out.
- WIEGERT: With, how's, the license plates were taken off the car, who did that?
- BRENDAN: I don't know.
- WIEGERT: Did you do that?

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- BRENDAN: (shakes head "no") No.
- WIEGERT: Did Steve do that?
- BRENDAN: Yeah.
- WIEGERT: Well then why'd you say you don't know? Did Steve take the license plates off the car?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: And which way do you walk back?
- BRENDAN: The long way.
- WIEGERT: Which is which way?
- BRENDAN: We were, were like right to the pond and you keep on going and then you take a right and you go up the hill.
- WIEGERT: Whose got the key for the vehicle at that time?
- BRENDAN: He did.
- WIEGERT: OK, where do you go when you get back up by his house, where do you go?
- BRENDAN: Back into his house.
- WIEGERT: And what does he do with the key?
- BRENDAN: Puts it in his, his room.
- WIEGERT: Where in his room does he put it?
- BRENDAN: Like under his dresser or somethin'.
- WIEGERT: Where did you see him put it?
- BRENDAN: In his dresser drawer.

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WIEGERT: In his dresser drawer, can you explain where that is?

BRENDAN: Like the second one down, like in the middle row.

WIEGERT: In the drawer?

BRENDAN: (nods "yes") mm huh.

WIEGERT: OK. OK.

FASSBENDER: Go ba, I wanna back ya just a bit, you're down at the car, and you're hiding the car, right? (Brendan nods "yes") Do you recall him taking the plates off?

BRENDAN: Yeah.

FASSBENDER: OK, what else did he do, he did somethin' else, you need to tell us what he did, after that car is parked there. It's extremely important. (pause) Before you guys leave that car.

BRENDAN: That he left the gun in the car.

FASSBENDER: That's not what I'm thinkin' about. He did something to that car. He took the plates and he, I believe he did something else in that car. (pause).

BRENDAN: I don't know.

FASSBENDER: OK. Did he, did he, did he go and look at the engine, did he raise the hood at all or anything like that? To do something to that car?

BRENDAN: Yeah.

FASSBENDER: What was that? (pause)

WIEGERT: What did he do, Brendan?

WIEGERT: It's OK, what did he do?

FASSBENDER: What did he do under the hood, if that's what he did? (pause)

BRENDAN: I don't know what he did, but I know he went under.

FASSBENDER: He did raise the hood? (Brendan nods "yes") You remember that?

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BRENDAN: Yeah.

WIEGERT: While he was raising the hood, did you take that license plates off?

BRENDAN: (shakes head "no") No.

WIEGERT: Who did?

BRENDAN: He did.

WIEGERT: OK.

FASSBENDER: What did he do with the license plates after that?

BRENDAN: I don't know.

WIEGERT: But you were with him, what did you guys do with 'em?

BRENDAN: He took 'em off...

WIEGERT: And where did he put 'em?

BRENDAN: He had 'em in his house but I don't know after where he put 'em.

WIEGERT: You saw him put 'em in the house? (Brendan nods "yes") And you also saw him do what? Put the key

BRENDAN: Yeah

WIEGERT: Where'd

BRENDAN: In his dresser

WIEGERT: He put the key?

BRENDAN: In his dresser.

WIEGERT: In his dresser. Where was the knife that he used, 'er you used. Where'd that knife go?

BRENDAN: He left it in the jeep.

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-
- WIEGERT: He what?
- BRENDAN: He left it in the jeep.
- WIEGERT: It's not in the jeep now, where do you think it might be?
- BRENDAN: I sure it was.
- WIEGERT: Did you see it in the jeep?
- BRENDAN: Yeah, cuz he set it on the floor.
- WIEGERT: Where on the floor did he set it?
- BRENDAN: In the middle of the seats.
- WIEGERT: OK.
- FASSBENDER: At anytime, er wh-what time during this whole thing did a, did you get hurt?
- BRENDAN: (shakes head "no") mm uh.
- FASSBENDER: Or did he get hurt? Or injured?
- BRENDAN: While we were moving the car or somethin'?
- WIEGERT: Anytime during this, did he get injured?
- BRENDAN: Just that scratch, that's all I know.
- WIEGERT: What scratch?
- BRENDAN: On his finger.
- WIEGERT: Which finger was it on, do you remember?
- BRENDAN: mmm, probably this one.
- FASSBENDER: Was it bleeding?

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- BRENDAN: It was just bleeding a little bit.
- WIEGERT: How'd he get that scratch?
- (pause)
- BRENDAN: Probably when he was under the hood.
- WIEGERT: So after you come up to his house, you go back into the trailer, is that right?
- BRENDAN: Yeah.
- WIEGERT: And then what happens when you get in the trailer?
- BRENDAN: He wanted to talk to me about, about her.
- WIEGERT: OK, what did he talk about?
- FASSBENDER: And be honest, tell us everything he said.
- WIEGERT: What did he say?
- BRENDAN: That (pause) he was glad that I helped him and that.
- WIEGERT: Did he give you anything for helping?
- BRENDAN: (shakes head "no") No.
- WIEGERT: So he said that he's glad that you helped. (Brendan nods "yes") Did he talk about Teresa at all?
- BRENDAN: Not really. (shakes head "no")
- WIEGERT: Um, when, when you get the bleach on you, let's talk about that, he thanks you for helping him and then what do you guys do?
- BRENDAN: Well that's when my mom called.
- WEIGERT: Where did your mom call?
- BRENDAN: From the house.

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- WIEGERT: From your house, (Brendan nods "yes") to where?
- BRENDAN: Ta on a cell phone.
- WIEGERT: OK. And what did she want?
- BRENDAN: That I had to be home by ten.
- WIEGERT: OK. What time is it when he, when your mom calls?
- BRENDAN: Like 9:30.
- WIEGERT: OK, so what do you do between 9:30 and ten.
- BRENDAN: We watch TV a little bit, talked, about that he was glad that I helped him cuz he couldn't do it by his self.
- WIEGERT: When do you clean the place up?
- BRENDAN: Like at 9:50.
- WIEGERT: Tell me what you do?
- BRENDAN: He took the, the bedsheets, took 'em outside and he burnt 'em.
- WIEGERT: Took the bedsheets outside and he burnt 'em. (Brendan nods "yes") OK.
- FASSBENDER: W-was there blood on the bedsheets?
- BRENDAN: Yeah.
- FASSBENDER: Was it a lot of blood?
- BRENDAN: 'bout a stain like that big.
- FASSBENDER: OK.
- WIEGERT: What else did he do?
- BRENDAN: He hid the, that's when he hid the key and then

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- WIEGERT: And where'd he hide the key?
- BRENDAN: In the dresser.
- WIEGERT: OK. And that was the key for what?
- BRENDAN: The jeep.
- WIEGERT: Whose jeep?
- BRENDAN: Teresa's.
- WIEGERT: OK. And what else did you guys do?
- (pause)
- FASSBENDER: Where's her clothes at this time?
- BRENDAN: In the garage.
- FASSBENDER: So how'd they get out in the garage?
- BRENDAN: When we went out there ta clean up that, the blood.
- WIEGERT: When did you do that?
- BRENDAN: Like at 9:50.
- FASSBENDER: So you and Steven do what at 9:50 then?
- BRENDAN: We cleaned that up and then he told me to go throw that on the fire.
- WIEGERT: Throw what on the fire?
- BRENDAN: The clothes, that's full of, the st, the blood that was like cleaned up.
- WIEGERT: What did the clothes look like? (pause) Start with the pants, you remember what color the pants were?
- BRENDAN: (shakes head "no") mm uh
- WIEGERT: OK, wh-what about the shirt, what color was the shirt?

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BRENDAN: Black.

WIEGERT: What about did you have 'er bra and panties too?

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

WIEGERT: Where were those?

BRENDAN: I don't know.

WIEGERT: So you took it outside and threw it on the fire.

BRENDAN: Yeah. (nods "yes")

WIEGERT: OK.

FASSBENDER: Now the shirt, earlier you told us the shirt had blood on it, had a hole in it, was that not true then?

BRENDAN: No.

FASSBENDER: So that wasn't true? (Brendan shakes head "no") (pause) So what'd ya do in the ki-garage now? What kind of cleaning, what do you do, how do you do it?

BRENDAN: We threw gas on it so he could get it off. Then he tried paint thinner and then he went to bleach to get it off and like, he like, probably like, he went like he was spraying it like. I thought he got it on the floor and it splashed up on my pants or somethin'.

WIEGERT: How much bleach, no let me go back. How much blood was there on the floor, quite a bit?

BRENDAN: (nods "yes") mm huh.

WIEGERT: Where would it have been?

BRENDAN: Like by the lawn mower and where the jeeps' tire was.

WIEGERT: So if you had to say, some dimensions like 2 x 2, 2 feet by 2 feet, 10 X 10, how much blood do you think was there?

BRENDAN: By 2 x 2.

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- WIEGERT: 2 x 2 (Brendan nods "yes")
- FASSBENDER: By the rear wheel of the jeep you said?
- BRENDAN: Yeah. (nods "yes")
- WIEGERT: And the jeep was backed in?
- BRENDAN: (nods "yes") mm huh.
- WIEGERT: By the rear wheel of the jeep. OK
- FASSBENDER: Were there multiple spots that you cleaned in the garage or just one?
- BRENDAN: Two.
- FASSBENDER: If we took you to that garage, would you be able to show us where?
- BRENDAN: Yeah.
- FASSBENDER: OK.
- WIEGERT: Where'd you get the bleach from?
- BRENDAN: In his house by, in his bathroom.
- WIEGERT: Were you there when his girlfriend called, Jodi?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Was Steven bleeding?
- BRENDAN: On his finger, that's it.
- FASSBENDER: Did Steven know he was bleeding?
- BRENDAN: Yeah.
- FASSBENDER: Did he make any comments about that?

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BRENDAN: Well he just went in the bathroom, he got a band-aid, when he went in to get the bleach.

FASSBENDER: What did Steven say he was gonna do with her car?

BRENDAN: That he was gonna crush it.

FASSBENDER: Did he say when he was gonna try and do that?

BRENDAN: (shakes head "no") No. He said he woulda, actually the sooner, he said the sooner the better.

WIEGERT: You need a break, any soda or somthin'?

BRENDAN: I got water here.

WIEGERT: OK. We can get you a soda if you want one. Would you like one?
(Brendan nods "yes") What kind?

BRENDAN: Coke.

WIEGERT: Coke OK.

FASSBENDER: Before we get that, does anyone else know this?

BRENDAN: (shakes head "no") No.

FASSBENDER: Has Steven told you that someone else knows?

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

WIEGERT: How about Chuck? (Brendan shakes head "no") Does Chuck know?

BRENDAN: (shakes head "no") No.

WIEGERT: OK, we'll take a little break.

FASSBENDER: And take a breath.

WIEGERT: We'll be right back, OK?

(pause) (door opens & closes)

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FASSBENDER: We got some food up here, sandwich or anything, you want somethin'? (Brendan shakes head "no") Are you sure? (Brendan nods "yes") Bathroom? (Brendan shakes head "no") Nothin'. Just a soda? (Brendan nods "yes") All right Bud, hang in there.

(door opens & closes)

(pause - break)

(long pause) (door opens)

FASSBENDER: Here you go bud.

BRENDAN: Thank you.

(door closes) (long pause)

(door opens)

FASSBENDER: Would you like ta ah have a sandwich or anything? (Brendan shakes head "no") You sure?

BRENDAN: Not hungry.

FASSBENDER: OK, (Brendan nods "yes") if you want something, just let somebody know.

BRENDAN: (nods "yes") OK.

(door closes) (long pause)

(door opens)

FASSBENDER: Doing OK? (Brendan nods "yes") Need anything? (Brendan shakes head "no") Need to go to the bathroom?

BRENDAN: (shakes head "no") mh uh

FASSBENDER: Got your soda? (Brendan nods "yes")

BRENDAN: uh huh

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FASSBENDER: Want somethin' to eat? (Brendan shakes head "no") You sure?

BRENDAN: Ain't hungry.

FASSBENDER: No. Anything at all?

BRENDAN: (shakes head "no") mh uh

FASSBENDER: You all right? (Brendan nods "yes") OK.

(door closes) (long pause)

(door opens)

WIEGERT: Hey, Brendan, you need ta use the bathroom or anything? (Brendan shakes head "no") You sure? (Brendan shakes head "no") Need anything else?

BRENDAN: (shakes head "no") mh uh

WIEGERT: Sandwich or anything? (Brendan shakes head "no") Did ya get your soda?

BRENDAN: (nods "yes") Yeah.

WIEGERT: OK. We'll be in about two minutes, OK?

BRENDAN: I gotta question though.

WIEGERT: Sure.

BRENDAN: How long is this gonna take?

WIEGERT: It shouldn't take a whole lot longer.

BRENDAN: Do you think I can get there before one twenty-nine?

WIEGERT: Um, probably not.

BRENDAN: Oh.

WIEGERT: What's at one twenty-nine?

BRENDAN: Well, I have a project due in sixth hour.

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WIEGERT: OK. We'll worry about that later, OK? (Brendan nods "yes") All right. I'll be back in a few minutes, OK?

BRENDAN: OK.

(door closes) (long pause)

(door opens)

WIEGERT: So do you need to use the bathroom or anything? (Brendan shakes head "no") No. Your good? (Brendan nods "yes") OK.

FASSBENDER: How ya feeling Brendan?

BRENDAN: (nods "yes") Pretty good.

FASSBENDER: Pretty good. (Brendan nods "yes") Got a lot of stuff off your chest, huh.

BRENDAN: (nods "yes") uh huh

FASSBENDER: A lot more stuff a lot of the truth. (Brendan nods "yes") Ah, what we do when, when we leave the room we kinda talk about stuff to make sure that we think we're we're all in the same page and that, that we're gettin' it you know the truth, the whole truth (Brendan nods "yes") and, and then we, we you know we think you're doin' pretty good so far but there's some areas that we have ta revisit, OK, (Brendan nods "yes") and then some other questions. And and again don't make us work so hard for this, don't make yourself work so hard for this, just get the truth out right away, cuz again we, we have a pretty good knowledge of what happened there. (Brendan nods "yes") All right?

BRENDAN: (nods "yes") mh huh

FASSBENDER: I wanna revisit when you went when you got home from school. (Brendan nods "yes") OK? You were with Blaine, is that correct?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: OK, and you said you walked down th the road to your house, (Brendan nods "yes") and you said that you saw Steven on the porch.

BRENDAN: (nods "yes") uh huh

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FASSBENDER: Mark and I are havin' a problem with that. Now if, I'm not, I'm not sayin' that I'm gonna put words in your mouth so we're havin' a problem with that. You know Blaine not seeing it and stuff like that and the time period cuz its quarter to four and and we're real familiar with time periods here and when she got there and stuff. Is there somethin' you need to tell us about that? When you got home what did you see before you went into your house? Did you even go in your house or did ya go over to Steven's. (cough) Talk to us about what happened there cuz the time periods aren't addin' up bud.

BRENDAN: Well I don't know if Blaine seen it but I never asked him about it. So I don't know if he seen it or not.

FASSBENDER: Again, er, whether Blaine saw it or not, the time periods aren't adding up. They're not equaling out. We know when Teresa got there. (Brendan nods "yes") Um, and, and I know I guarantee ya Teresa's not standing on that porch when you come home from school. I ju I don't see that. Um, I don't even ya I have a problem with the car sittin' out front yet at this time either. That cars sittin' out front other people er at would have seen that car, you know. Somethin' is not adding up here and you need to tell us the truth. Did this all start right when you came home from school? You need to tell me, you need to be honest with me. I can't tell ya, I I can't tell you these things. I can tell ya we don't believe you because there's some things that are wrong but you've gotta tell me the truth. This is you know gettin' serious here now, OK? (Brendan nods "yes") Tell me what happened when you got home.

BRENDAN: I got off the bus. I walked down the road and when I got to that thing, ah, the other house I just sittin' there for nothin'. I could see her jeep in the garage just sittin' there and I didn't see Steven and her on the the porch.

WIEGERT: You, you did or you didn't?

BRENDAN: I didn't.

FASSBENDER: Did not, OK.

BRENDAN: And I just walked up to the house

FASSBENDER: Ta who's house?

BRENDAN: Mine and Blaine's, went into the garage to get the key to open the door cuz we always lock it when we, we leave and we went in and Blaine grabbed the phone right away and I waited for like 30 minutes waited for him to get off the phone with Jason so I can call Travis ta see what he was doing that night and I waited so I watched TV and that's when I went out to get the mail.

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FASSBENDER: OK. So I'm gonna take you through this now that you've said it, you got off the bus, came down the road and you said you saw Teresa's vehicle in Steven's garage?

BRENDAN: (nods "yes") uh huh

FASSBENDER: How did you see that?

BRENDAN: With the front end of the door.

FASSBENDER: With what?

BRENDAN: The front end was outta the door. (nods "yes")

FASSBENDER: The front end was outta the door. So the big door was open I take it?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: OK and you did not see Teresa or Steven?

BRENDAN: (shakes head "no") No.

FASSBENDER: OK and then you said you went into your house.

BRENDAN: (nods "yes") uh huh

FASSBENDER: Did you, did you go over to Steven's at that time?

BRENDAN: (shakes head "no") No.

FASSBENDER: And you went over to your house and the way you were telling me you about twenty minutes half hour yet away because Blaine used the phone?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: And so then you went down and got the mail?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: So you're in your house for about ah twenty minutes a half hour?

BRENDAN: (nods "yes") Yeah.

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-
- FASSBENDER: And you went down ta get the mail? (Brendan nods "yes")
- BRENDAN: Well I called Travis first.
- FASSBENDER: You called Travis first. (Brendan nods "yes") OK. How long did ya talk to Travis?
- BRENDAN: 'bout ten, fifteen minutes
- FASSBENDER: And after you're done talkin' to Travis, what did you do?
- BRENDAN: Went out to go get the mail
- FASSBENDER: And did you take a bike like you said?
- BRENDAN: (nods "yes") Yeah.
- FASSBENDER: And then you're coming back from the mail, is is that when you, tell me what happened then again?
- BRENDAN: That's when I went to get the mail and I came back, I was lookin' at it when I was riding the bike and I seen Steven's mail in there and I went over by him and I knocked on the door.
- FASSBENDER: OK and you heard stuff coming from there?
- BRENDAN: (nods "yes") mm huh
- FASSBENDER: Again, what did you hear coming from there?
- BRENDAN: Screaming like help me and that
- FASSBENDER: OK and then you said before you knocked on his door.
- BRENDAN: (nods "yes") uh huh
- FASSBENDER: And you said you had ta knock
- BRENDAN: three times (nods "yes")
- FASSBENDER: three times and it took how long for Steven to get to the door about?

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BRENDAN: about five minutes

FASSBENDER: about five minutes. While you were standing at the door, did you continue to hear things comin' from the inside?

BRENDAN: Yeah. (nods "yes")

FASSBENDER: Steven came ta the door and took you into the kitchen you said right?

BRENDAN: Yeah. (nods "yes")

FASSBENDER: OK. About what time do ya think this is? Thinkin' back now on your time periods when you got home how long it took for these phone calls and stuff.

BRENDAN: About five, five-thirty

FASSBENDER: OK, when you knock when you actually knock on Steven's door was the big garage door still open? Do you remember?

BRENDAN: (shakes head "no") No.

FASSBENDER: You don't remember (Brendan shakes head "no") or it wasn't open?

BRENDAN: I don't remember.

FASSBENDER: OK. Was Teresa Halbach's vehicle sittin' out in the driveway when you knocked on the door?

BRENDAN: No.

FASSBENDER: OK. So that's a little different than what you initially told us, is that right?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: All right. Do you do you remember Steven making any phone calls or getting any phone calls during this evening? During that evening?

BRENDAN: Like one or two of 'em.

FASSBENDER: He made or he got?

BRENDAN: He got.

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FASSBENDER: Who were they from?

BRENDAN: Jodi.

FASSBENDER: OK. What, can you tell me what the context your side of the conversation was? What did you hear?

BRENDAN: He was like saying that he cares about her and that.

FASSBENDER: So you said maybe a couple of phone calls, when did the first call happen about?

BRENDAN: 'bout five thirty, five

FASSBENDER: About five, five-thirty, is that what you're saying? (Brendan nods "yes") And what phone did he talk on?

BRENDAN: His cell phone.

FASSBENDER: OK and then when did the second call happen?

BRENDAN: 'bout ten minutes after that.

FASSBENDER: OK and then who was that call from do you think?

BRENDAN: Jodi again.

FASSBENDER: You think so. (Brendan nods "yes") OK. Do you recall if um, Steve called anyone?

BRENDAN: (shakes head "no") uh uh

FASSBENDER: OK. We talked last er Monday we talked a little about some things a burn barrel out front do you remember anything about that burn barrel? It's ah you might wanna be a little more truthful about now.

BRENDAN: That it was full of stuff.

FASSBENDER: Was it burning?

BRENDAN: Yeah.

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FASSBENDER: Did you put some things in that burn barrel that night?

BRENDAN: (shakes head "no") No.

FASSBENDER: What happened to Teresa's other personal effects? I mean ah a woman usually has a purse right? (Brendan nods "yes") Tell us what happened ta that?

BRENDAN: I don't know what happened to it.

FASSBENDER: What happened ta her ah, her cell phone? (short pause) Don't try ta ta think of somethin' just.

BRENDAN: I don't know.

FASSBENDER: Did Steven did you see whether ah a cell phone of hers?

BRENDAN: (shakes head "no") No.

FASSBENDER: Do you know whether she had a camera?

BRENDAN: (shakes head "no") No.

FASSBENDER: Did Steven tell ya what he did with those things?

BRENDAN: (shakes head "no") No.

FASSBENDER: I need ya to tell us the truth.

BRENDAN: (nods "yes") Yeah.

FASSBENDER: What did he do with her her possessions?

BRENDAN: I don't know.

WIEGERT: Brendan, it's OK to tell us OK. It's really important that you continue being honest with us. OK, don't start lying now. If you know what happened to a cell phone or a camera or her purse, you need to tell us. OK? (Brendan nods "yes") The hard parts over. Do you know what happened ta those items?

BRENDAN: He burnt 'em.

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- WIEGERT: How do you know?
- BRENDAN: Because when I passed it there was like like a purse in there and stuff.
- WIEGERT: When you passed what?
- BRENDAN: The burning barrel.
- WIEGERT: Did ya look inside? (Brendan nods "yes") Why did ya look inside?
- BRENDAN: Cuz it was full.
- WIEGERT: What else was in there?
- BRENDAN: Like garbage bags, some
- WIEGERT: Did you put those things in the burning barrel?
- BRENDAN: (shakes head "no") No.
- WIEGERT: Did you actually see those items in the burning barrel?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Tell me what you saw in there exactly.
- BRENDAN: Like they were buried underneath ah, garbage, a garbage bag that was
- WIEGERT: How do you know, or how could you see them if they were underneath a garbage bag?
- BRENDAN: Because the garbage bag was like on top like that far off the top.
- WIEGERT: OK, so we have the barrel, (Brendan nods "yes") OK. Why don't you look at me for a second, OK. We've got the barrel.
- BRENDAN: (nods "yes") mm huh
- WIEGERT: OK and here's is the top of the barrel (Brendan nods "yes") and the garbage bag is on top?
- BRENDAN: (nods "yes") Yeah.

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- WIEGERT: And where are those items you said you saw?
- BRENDAN: Like right underneath there.
- WIEGERT: Underneath the bag?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Well, how would you see that?
- BRENDAN: Well, if the bags like that far off the you know the top of the thing you can see though underneath it.
- WIEGERT: You could see underneath it? (Brendan nods "yes") What did you see?
- BRENDAN: like a cell phone, camera, purse
- WIEGERT: Are you being honest with us?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Did you actually see those items?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: When did you see them?
- BRENDAN: When I came over there with the mail.
- WIEGERT: Before you went into the house (Brendan nods "yes") or after you went into the house?
- BRENDAN: Before I went into the house.
- WIEGERT: Why did you look in there?
- BRENDAN: Because it was full and it usually ain't.
- WIEGERT: OK.

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FASSBENDER: Did you see Steven, when you came home from school or at anytime up until the point you went in ta Steven's house, did you see him go to the burning barrel with anything?

BRENDAN: (shakes head "no") No.

FASSBENDER: Are you sure?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: After you went into the house, did Steven go to the burning barrel at any time?

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

WIEGERT/
FASSBENDER:sorry.....use this one.....thanks

FASSBENDER: All right. Now we got, we got some other points that we're gonna talk about here. You go there, you get into Steven's house. Now I don't want you to hold back any language or how he told you anything or how he presented himself to you when this stuff happened when he took ya into the kitchen, just kinda tell me what he told you again and how he told you.

BRENDAN: He asked me if I wanted ta fuck the girl and if I wanted to try it. I said ta that I ain't old enough that ta have a kid yet so he said yeah, do you wanna try it though? I'm like not right now and he just kept on egging me on.

FASSBENDER: OK and, and did he say anything else to you while he was egging you on? How did he egg you on?

BRENDAN: He's like come on try it for me.

FASSBENDER: And had you been back in the bedroom area yet at this time or no?

BRENDAN: (shakes head "no") No.

FASSBENDER: What, what ah, tell me again what he told you was back there? Who or what?

BRENDAN: That Teresa Halbach was back there. That she was on the bed naked with she was chained up ta the bed.

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- FASSBENDER: Could you hear her back there yet?
- BRENDAN: Yeah.
- FASSBENDER: And what kinda things was she saying again?
- BRENDAN: Like help me and not ta tell Steven not ta do this anymore.
- FASSBENDER: Did Steven say that he had already done that or not?
- BRENDAN: Yeah.
- FASSBENDER: What did he say he did to her?
- BRENDAN: That he had sex with her.
- FASSBENDER: How did he say it?
- BRENDAN: That he fucked her.
- FASSBENDER: At anytime that night, did you see Steven have sex with her?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Are you sure about that?
- BRENDAN: (nods "yes") Yeah.
- FASSBENDER: Because we know now that you did and he watched while you did it. Did you watch once or while he did it?
- BRENDAN: (shakes head "no") No.
- WIEGERT: Did he do anything else ta her sexually?
- BRENDAN: (shakes head "no") No.
- WIEGERT: Stick anything in her anything like that?
- BRENDAN: (shakes head "no") No.

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WIEGERT: OK.

FASSBENDER: OK. You told us about going in there and having sex with her that she was handcuffed and, and chained, OK? Ultimately and then you said you left the bedroom for a period of time and, and he talked ta you in the living room, right?

BRENDAN: Yeah.

FASSBENDER: Again just ta remind us what kinda things was he saying ta you out in the living room?

BRENDAN: That, that he was saying that I did a good job and that he was proud of me.

FASSBENDER: OK, how long were you in the living room about?

BRENDAN: About five minutes, five, ten.

FASSBENDER: And then after you're in the living room, where did ya go?

BRENDAN: Back in there.

FASSBENDER: OK and tell me and think, think about the video in your head OK. You went back in the bedroom and go through what happened again.

BRENDAN: We went in there, we tied her up and he stabbed her and he told me ta cut her throat and cut her hair off and then when we were done like that we took off the handcuffs and we took her outside ta the jeep, stuck her in the back, he said he would rather burn her than stick her back in there and we put her on the floor and then he shot her ten times and then we threw her in the fire.

FASSBENDER: OK, we'll there's some points that we're gonna go over there on that, OK? (Brendan nods "yes") In the ah, well in the bedroom, and he had you cut the hair off you said right?

BRENDAN: (nods "yes") mm huh

FASSBENDER: Where did ya put the hair?

BRENDAN: On the dresser.

FASSBENDER: Again tell us why he wanted you to do that?

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- BRENDAN: I don't know.
- FASSBENDER: What happened ta the hair after?
- BRENDAN: I never touched it.
- FASSBENDER: Do you know where it went?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Has he ever told you what he did with that hair?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Brendan, you sure?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Do you have any of that hair at home?
- BRENDAN: (shakes head "no") No.
- WIEGERT: Are you sure?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Cuz you know we'll find it if you do. (Brendan nods "yes")
- FASSBENDER: And that would not be good for you. If we find you're lying or find things that you don't tell us about, I can't believe you then. If you tell me you're sorry this happened, then I won't believe you.
- BRENDAN: I don't got none of the hair.
- FASSBENDER: Pardon?
- BRENDAN: I don't got none of the hair. (shakes head "no")
- WIEGERT: Don't got none of the hair. Did you get any blood on you?
- BRENDAN: (shakes head "no") No.

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FASSBENDER: OK, so you tie her up (Brendan nods "yes") and you told us before you think she's dead at this time (Brendan nods "yes") and you guys, you and Steven carry her out that back door and into the garage. (Brendan nods "yes") When you're in the garage where do you place her immediately?

BRENDAN: In the jeep

FASSBENDER: Right into the jeep or did you set her on the floor or

BRENDAN: Right in the jeep.

FASSBENDER: Right into the jeep. (Brendan nods "yes") How does Steven get the rifle?

BRENDAN: When he set her down, when we set her down on, on the ground, he went into the house and grabbed it.

WIEGERT: Was it a rifle or was it a handgun?

BRENDAN: It was a rifle.

WIEGERT: And where did he find that rifle, do you know?

BRENDAN: In his ro, his bedroom.

FASSBENDER: Where was it in the bedroom?

BRENDAN: Hanging on the wall.

FASSBENDER: What wall?

BRENDAN: Like where the door is there's like a, like a gun rack up there.

FASSBENDER: OK, in relation to his bed where would it be?

BRENDAN: like on the le-left side wall

FASSBENDER: If I'm laying in his bed, where is the where are the where is his gun?

BRENDAN: Like, say like this is his bedroom and his bed was like right here, it would be on that wall.

FASSBENDER: Let's say his bed is your bed or his bed there on the couch

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BRENDAN: Yeah.

FASSBENDER: and you're sleeping what way?

BRENDAN: You'd you fa your feet would face that way

FASSBENDER: Oh

BRENDAN: and your the guns would be right on that side.

WIEGERT: If I asked you to draw me a few pictures, do you think you could do that?

BRENDAN: (nods "yes") Yeah.

WIEGERT: As to what the bedroom if you'd put things in the bedroom (Brendan nods "yes") and like put her on the bed how she was, could you do that?

BRENDAN: (nods "yes") Yeah.

WIEGERT: OK,

FASSBENDER: Now we gotta get some other papers um around.

WIEGERT:I'll grab some papers, OK? (Brendan nods "yes") All right?

FASSBENDER: A clipboard or somethin'

(door closes)

(pause)

(door opens)

REMIKER:

WIEGERT: Yeah.

(door opens and closes)

(pause)

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(door opens and closes)

WIEGERT: Could you draw some pictures? Is that OK or are there some things you wanna talk

FASSBENDER: We'll talk for a bit.

WIEGERT: OK.

FASSBENDER: Then we'll get ta those pictures.

WIEGERT: All right.

FASSBENDER: If that's all right?

WIEGERT: That's fine.

FASSBENDER: Um, Brendan, when you guys got her into the ga the garage you said that you placed her right into the back of the, the her vehicle right?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: And then he said that he, how did it come about that he wanted ta do what he wanted to do? Tell me that.

BRENDAN: He told me that he was gonna throw her in the, the pond and he said that he would rather burn her because it's a lot faster to get rid of all the evidence.

FASSBENDER: And earlier you said that the fire was going on at this time?

BRENDAN: (nods "yes") mh huh

FASSBENDER: Mark and I have a little trouble understanding why he's got this big fire going if he was actually talking about putting her into the pond.

BRENDAN: Cuz that night me and Blaine were gonna invite some friends over for ah a bonfire and he was probably gettin' it ready and then that day I got a call from Travis that said that he couldn't come and Blaine got a call from his friend that he that they couldn't come.

FASSBENDER: Are you telling me that it wasn't until you guys were in the garage that he said that he was gonna burn her?

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BRENDAN: (nods "yes") Yeah.

FASSBENDER: And you're sure that, are you sure about that?

BRENDAN: (nods "yes") uh huh

FASSBENDER: OK, then you said that you took her outta the, the of the back of the ah her vehicle. (Brendan nods "yes") Did you help him do that?

BRENDAN: (nods "yes") mh huh

FASSBENDER: And then you said that he went and got the a gun. Right?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: And he came back in? (Brendan nods "yes") What did he do?

BRENDAN: He shot her ten times.

FASSBENDER: Tell me where he shot her.

BRENDAN: Like in the head and some in the belly and the stomach.

FASSBENDER: How many times did he shoot her in the head?

BRENDAN: Like three times.

FASSBENDER: Tell me where in the head. What sides?

BRENDAN: Like the left side I think it was.

FASSBENDER: The left side of her head (Brendan nods "yes") and the when he shot her in the body, where in the body again?

BRENDAN: Like right here.

FASSBENDER: OK, what was he saying when he was doing this if anything? What was his demeanor? Was he calm, was he, what, what was he doing?

BRENDAN: He was calm.

FASSBENDER: What was he saying to you?

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- BRENDAN: That he, he was sorry for me ta see that stuff.
- FASSBENDER: Did he ask you to shoot her too or did he tell you ta shoot her?
- BRENDAN: No.
- FASSBENDER: You're sure about that?
- BRENDAN: (nods "yes") Yeah.
- FASSBENDER: When you got home from school, do you remember if a fire was going then?
- BRENDAN: (shakes head "no") uh uh, I didn't look.
- FASSBENDER: When you knocked on the door to go in, was the fire going then?
- BRENDAN: eh eh, yeah. (nods "yes")
- FASSBENDER: OK. When you knocked on the door to go into Steven's trailer, was it still light out?
- BRENDAN: Yeah. (nods "yes")
- FASSBENDER: OK. You mentioned then you took her, her back out, you shot her, did anything else happen in this garage that, that is noteworthy cuz remember, remember we've, we've seen the garage we've got the evidence from the garage, um, did you guys do anything else with her out in the garage?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Anything with those ropes or bindings or anything like that?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: You took her out ta the fire and you're sure you used this creeper thing, right?
- BRENDAN: Yeah. (nods "yes")

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FASSBENDER: That's what you said. (Brendan nods "yes") Did you carry her on that creeper thing or did you actually push it out there, you guys? Do you know what I mean?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: You could push someone on there and you can carry that thing or did you actually roll it?

BRENDAN: We carried it.

FASSBENDER: OK. Kinda, what would that be similar to, kinda like a um do you know what I'm thinkin' of?

BRENDAN: The thing that the ambulance.

FASSBENDER: Yeah. (Brendan nods "yes") So you carried it like that?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: And was she still unclothed at that time?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: OK.

WIEGERT: Like what time was that?

BRENDAN: 'bout five thirty.

WIEGERT: Was it light out or dark out?

BRENDAN: Light.

FASSBENDER: And then you put her on the fire you said, (Brendan nods "yes") and you put other stuff over that over her you said.

BRENDAN: (nods "yes") Yeah.

FASSBENDER: Did you help Steven start that fire?

BRENDAN: (shakes head "no") No.

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- FASSBENDER: Are you tellin' us the truth?
- BRENDAN: (nods "yes") Yes.
- FASSBENDER: Is it at this time that, what do you do after you put her on the on the fire?
- BRENDAN: We put the tires on there and the branches.
- FASSBENDER: Where'd that stuff come from?
- BRENDAN: He had it there already.
- FASSBENDER: He did. (Brendan nods "yes") OK, now the fires going, she's on there, tell, tell, tell me what you're gonna what you're doin' now or what you guys do. I mean it's only five thirty right now, what are you guys doin'.
- BRENDAN: After we put the tires and the branches on, we went to the house and went in there for a little bit and we went out and he was gonna take the jeep down in the pit so he did and that's when we covered it with branches and the hood.
- FASSBENDER: Did you guys go out by the fire some more that night?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Where did this, this car seat come from?
- (pause)
- BRENDAN: We got that.
- FASSBENDER: Tell me how you guys got that.
- BRENDAN: I went over to my house and got the, the golf cart and got, he went to go pick 'em up and we went over to get the car seat, and we put it by the fire, and waited for it to burn down, and we threw it on there, and we went to, to the jeep.
- FASSBENDER: OK so you, you went and got this car seat. Did you get anything else when you had the golf cart.
- BRENDAN: Well old cabinet.
- FASSBENDER: Where'd you get that from?

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- BRENDAN: Frommm in the back of our garage.
- FASSBENDER: Whose garage?
- BRENDAN: Ours. Cuz we were using it to put it in the garage.
- FASSBENDER: Anything else that you went and gathered up with the golf cart?
- BRENDAN: Just the tires and the wood, and the seat and the
- FASSBENDER: OK, so, so you got more tires?
- BRENDAN: Yeah. (nods "yes")
- FASSBENDER: And more wood?
- BRENDAN: mm huh. (nods "yes")
- FASSBENDER: And w-what did you do with all that stuff?
- BRENDAN: We put it in the fire.
- FASSBENDER: OK. Last night you mentioned, or Monday you mentioned, um, Steven getting' some other things out of the garage. What were those things again?
- BRENDAN: The clothes.
- FASSBENDER: But I mean somethings that you might use to
- BRENDAN: Oh the shovel and the rake? (nods "yes")
- FASSBENDER: Right. Did he get anything else like that outta the garage?
- BRENDAN: (shakes head "no") No just them two.
- FASSBENDER: And what did he use those for?
- BRENDAN: To like pile, so he can get it smooth so he can fit the, the rest of the stuff in there.
- FASSBENDER: Did you help him with that? Did you use the rake and the shovel at all?

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- BRENDAN: (shakes head "no") No.
- FASSBENDER: Are you sure about that?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Tell me again what he was doing with the rake.
- BRENDAN: He was like pushing the stuff around so he can put more stuff on it so it's even.
- WIEGERT: Show me what he was doing, you showed me the other day. Can you show me again?
- BRENDAN: Like going like this.
- WIEGERT: Going like that? What kinda stuff was he pushing around?
- BRENDAN: Like the wood and that.
- WIEGERT: Was he pushing her around at all?
- BRENDAN: (shakes head "no") uh uh.we're a cabinet.
- FASSBENDER: Were you able to see her in the fire?
- BRENDAN: Just the forehead and the hands and the feet and a little bit of belly.
- FASSBENDER: OK. Sometime during that evening, um, did someone come down to Steven's trailer or in that area?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: You don't you remember seeing, do you remember seeing anyone come down there, an-an-and talk to Steven for a bit?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Do you know if anyone else saw anything?
- BRENDAN: (shakes head "no") No.

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FASSBENDER: How much time did you think it took from when you cut her on the neck to the time you guys got her out in the garage?

BRENDAN: 'bout ten minutes.

FASSBENDER: After, after the fire was, and she was put in fire, what time did you go home to your place that night?

BRENDAN: About 9:30.

FASSBENDER: Did you come back out at all that night?

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

FASSBENDER: Was Steven out there when you went home?

BRENDAN: Yeah. Cuz he said he was gonna watch the fire until it burnt down a little bit more.

FASSBENDER: What did you guys do with Teresa's body after that, after it was burned?

BRENDAN: I don't know, I didn't, I didn't do nothin' with it.

FASSBENDER: Did Steven do anything with it?

BRENDAN: Yeah, but I don't know what.

FASSBENDER: How do you, what do you mean by yes, but you don't know what?

BRENDAN: Like he tried to bury it or somethin'.

FASSBENDER: How'd he do that?

BRENDAN: With the shovel.

FASSBENDER: Did he take some of her body out of that fire pit?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: He did. How tell me how he did that.

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BRENDAN: Like when the bones were left behind, he would like try to take the shovel and try to break the bones apart and he would bury 'em, like right in front of the fire almost.

WIEGERT: What do you mean he'd bury them right by the fire?

BRENDAN: Like he dug a hole and he'd put the bones in there and he buried it.

WIEGERT: Where in relation to the fire?

BRENDAN: Like two, three feet away.

WIEGERT: Which way from the fire?

BRENDAN: Like towards the garage.

WIEGERT: OK.

FASSBENDER: Did you see him do that?

BRENDAN: (shakes head "no") I just heard that.

FASSBENDER: Heard it from who?

BRENDAN: Him.

FASSBENDER: Oh. So he told you that he used the shovel to break up bones?

BRENDAN: Yeah. (nods "yes")

FASSBENDER: And then buried some of the bones? (Brendan nods "yes") Did he take some of her bones some, anywhere else?

BRENDAN: On the other side of the, like that, there was like in the back of the yard, there was like this steep hill there, like in the pit, there was some there that he threw there.

FASSBENDER: OK, we're gonna, we're in a little bit, we're gonna have you draw on some sketches and stuff and we're a, we're gonna wanna these places. How do you know that there were some bones there?

BRENDAN: He told me that he threw some there.

FASSBENDER: Did he tell you how he did that?

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BRENDAN: He had 'em in a bucket.

FASSBENDER: And what I'm understanding is then in the back of both your yards or his yards, down toward into the pit, over that area?

BRENDAN: In like Radandt's pit.

FASSBENDER: Oh, Radandt's pit, (Brendan nods "yes") not into your ah, (Brendan shakes head "no") the salvage yard area? (Brendan shakes head "no") You think you'll be able to show us that?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: Anything else that you did with the bones (Brendan shakes head "no") that he told you or that you helped him, di-did you help him do any of this?

BRENDAN: (shakes head "no") No.

FASSBENDER: Did he have anymore fires that week?

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

FASSBENDER: We talked about Monday night about, um, bad smells and stuff, do you remember any smells coming from that fire, after she was put on there?

BRENDAN: Just that it smelled bad.

FASSBENDER: You remember that? (Brendan nods "yes")

FASSBENDER: Did Steve call Chuck that night? Do you recall?

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

FASSBENDER: Did Steve make any other phone calls? I know I asked this once before, but

BRENDAN: (shakes head "no") No.

FASSBENDER: Or tell you about making any other phone calls.

BRENDAN: Just that someone called him.

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- FASSBENDER: OK
- WIEGERT: What was Steve wearing when you, you first got to his house?
- BRENDAN: A white shirt and red shorts.
- WIEGERT: OK. You told us before that Jodi called a couple times, right?
- BRENDAN: (nods "yes") mm huh.
- WIEGERT: What were you doing when Jodi called?
- BRENDAN: Sittin' on the couch watching TV.
- WIEGERT: What was Steve doing?
- BRENDAN: Sittin' on the computer chair.
- WIEGERT: Was that before or after you had sex with Teresa?
- BRENDAN: After.
- WIEGERT: Was Teresa still alive when Jodi called?
- BRENDAN: (shakes head "no") N-no.
- WIEGERT: No. (Brendan shakes head "no") So Jodi calls, you had already killed Teresa? Is that correct?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Do you remember what time Jodi called about?
- BRENDAN: (shakes head "no") uh uh.
- WIEGERT: Why did you guys cut her hair?
- BRENDAN: I don't know.
- WIEGERT: Did Steve ever say why he wanted you to do that?

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- BRENDAN: (shakes head "no") No.
- WIEGERT: Do you know if he kept any of it?
- BRENDAN: I don't know.
- WIEGERT: Where was her underwear?
- BRENDAN: (shakes head "no") I don't know.
- WIEGERT: Brendan, it's important, you've been honest so far, you need to be honest all the way through here, OK?
- BRENDAN: I don't know where they are.
- WIEGERT: You don't know where the underwear are? I mean, do you have it? If a you do, it's OK. We understand that.
- BRENDAN: I don't got it.
- WIEGERT: Did Steve have it?
- BRENDAN: I don't know.
- WIEGERT: Do you think he might have kept it?
- BRENDAN: Yeah.
- WIEGERT: Why do you think that? (pause) Did he tell you that?
- BRENDAN: No.
- WIEGERT: You said that you had cut her throat. (Brendan nods "yes") Here's the thing Brendan, when you cut somebody's throat, they bleed a lot, (Brendan nods "yes") OK? Am I right?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: She bleed a lot, (Brendan nods "yes") so I know you had blood on ya, it's pretty much impossible not to. Did you have blood on you?
- BRENDAN: (shakes head "no") No.

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- WIEGERT: None at all?
- BRENDAN: (shakes head "no") uh uh.
- WIEGERT: What about when you moved her?
- BRENDAN: (shakes head "no") No.
- WIEGERT: What were you wearing at the time?
- BRENDAN: Them pants and a jacket.
- WIEGERT: What jacket?
- BRENDAN: My old blue one.
- WIEGERT: Your old blue jacket? What does it say anything on it?
- BRENDAN: It ah the Friar Tuck symbol on it.
- WIEGERT: Friar Tuck symbol?
- BRENDAN: mm huh.
- WIEGERT: Where's that jacket now?
- BRENDAN: Probably in the closet when you walk in the house, behind the door.
- WIEGERT: What were you wearing for a shirt?
- BRENDAN: I don't remember. (shakes head "no")
- WIEGERT: What kinda shoes?
- BRENDAN: My o, my old red ones.
- WIEGERT: Were they tenny shoes or what?
- BRENDAN: There just like these but they're red.
- WIEGERT: OK.

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BRENDAN: and white

WIEGERT: Do you know what brand they are?

BRENDAN: (shakes head "no") N-no.

WIEGERT: You don't' know that brand name.

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

WIEGERT: Nike or Adidas, somethin' like that?

BRENDAN: (shakes head "no") No

WIEGERT: OK.

BRENDAN: I think they're Starters.

WIEGERT: You think they're what?

BRENDAN: Starters.

WIEGERT: Starters, OK. (pause) When this is all going on, did Steve say anything about Teresa?

BRENDAN: (shakes head "no") No.

WIEGERT: You told us two days ago that Steve was angry. Was that true?

BRENDAN: No.

WIEGERT: So Steve was not angry? (Brendan shakes head "no") So why do you think he did this to Teresa?

BRENDAN: Maybe because he wanted to go back to jail.

WIEGERT: Did he ever tell you that?

BRENDAN: No, that's what I was thinking.

WIEGERT: OK.

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BRENDAN: Too, maybe liked it in there and the real world was probably too noisy for him, or too, too big for him or somethin'.

WIEGERT: In the garage, in Steve's garage, there were some wires hanging from the rafters, you remember those?

BRENDAN: Yeah.

WIEGERT: Did you guys use those for anything?

BRENDAN: (shakes head "no") No.

WIEGERT: Are you being honest with me now?

BRENDAN: (nods "yes") Yeah.

WIEGERT: Very important you be honest here. (Brendan nods "yes") Did you ever use those for anything?

BRENDAN: (shakes head "no") No.

WIEGERT: Did you use anything else on Teresa, (Brendan shakes head "no") other than rope?

BRENDAN: (shakes head "no") No.

WIEGERT: OK. Want to draw me a few pictures? (Brendan nods "yes") OK.

FASSBENDER: Brendan, when she's on the bed, was there a lot of blood?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: Do you recall when the sheets were taken off the bed and stuff that the blood had soaked through to the mattress pad at all? Or mattress?

BRENDAN: I don't know.

FASSBENDER: You don't know, did you see or not?

BRENDAN: (shakes head "no") No.

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FASSBENDER: You sure that she wasn't taken out to the garage alive and some of the stuff was done to her out there?

BRENDAN: (shakes head "no") No.

FASSBENDER: Hanging from a rafter, 'er anything like that?

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

FASSBENDER: Now the worst is over, you're not gonna shock us or anything by tellin' us if that happened. Cuz I-I just have a feeling that something may, may be there. Talk to me.

BRENDAN: Nothin' happened in there.

FASSBENDER: It all happened in the bedroom you said. (Brendan nods "yes") You're positive of that.

BRENDAN: (nods "yes") Yeah.

FASSBENDER: Keep in mind that you know, Steven's gonna have his time to tell his story too. Right?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: He's not gonna say anything different?

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

WIEGERT: Did you turn the mattress over or anything like that?

BRENDAN: (shakes head "no") No.

FASSBENDER: The cleaning of the house, w-ah Brendan, did, did a Steven do some cleaning in the house?

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

FASSBENDER: You know what I mean by cleaning in the house. Right?

BRENDAN: Yeah.

FASSBENDER: Did he vacuum?

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- BRENDAN: Not while I was there.
- FASSBENDER: He didn't? Did he wipe anything down?
- BRENDAN: Not that I know of. (shakes head "no")
- FASSBENDER: Did he do any laundry? Did he wash some clothes?
- BRENDAN: I don't know.
- WIEGERT: Wn-What about the knife, where is the knife, be honest with me, where's the knife? It's OK, we need to get that OK? Help us out, where's the knife?
- BRENDAN: Probably in the drawer.
- WIEGERT: In which drawer?
- BRENDAN: His knife drawer.
- WIEGERT: And where's that?
- BRENDAN: In the kitchen.
- WIEGERT: Is it probably in there, or do you know it's in there.
- BRENDAN: That's where I think it is.
- WIEGERT: Why do you think it's in there?
- BRENDAN: Cuz he wouldn't let that knife go.
- WIEGERT: Cuz he wouldn't let the knife go. How do you know that?
- BRENDAN: Cuz it was a pretty nice knife.
- WIEGERT: Did he tell you that? (Brendan nods "yes")
- WIEGERT: Did he wash it off or anything or wipe it off or what did he do with the knife?
- BRENDAN: He wiped it off.

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- WIEGERT: What did he use to do that with?
- BRENDAN: Paper towel.
- WIEGERT: What happened to the paper towel?
- BRENDAN: He burnt it.
- WIEGERT: Can you describe the knife for us?
- BRENDAN: Well it was like that long.
- WIEGERT: OK.
- BRENDAN: Big head on it like that.
- WIEGERT: Big head on it. (Brendan nods "yes") What kinda, I mean was it like a, a steak knife or like something you'd use for a deer?
- BRENDAN: Somethin' like that like a deer.
- WIEGERT: OK, what color was the handle?
- BRENDAN: Black.
- WIEGERT: Black. And it was a, could you draw that? You think you could draw the knife?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Why don't you do that, draw me the knife.
- (pause)
- (door opens)
- FASSBENDER: Thank you.
- (door closes)
- (pause)

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- BRENDAN:like that.
- WIEGERT: OK, the handle was just like this.
- BRENDAN: Yeah.
- WIEGERT: OK, and this was black. (Brendan nods "yes")
- BRENDAN: mm huh.
- WIEGERT: OK, why don't you sign your name to that.
- BRENDAN: The whole thing?
- WIEGERT: Sure. Actually, write it. OK. Um, put the date on there too. It's one, correction 3/1/03, '06, um, I'm all mixed up with dates today, aren't I? (Brendan nods "yes"). Um the time is ah 1:44 p.m. OK. I'm gonna ask you if you'd be would you be willing to draw the bedroom out for us?
- BRENDAN: (nods "yes") mm huh.
- WIEGERT: OK.
- FASSBENDER: If you saw the knife again, would you be able to identify it?
- BRENDAN: (nods "yes") Yeah.
- WIEGERT: Why don't you draw out the bedroom, put the bed on there and show me where the dresser and everything was, the best that you can, and where the door was and all that.
- BRENDAN: It's kinda like the door was like right here.
- WIEGERT: OK. Why
- BRENDAN: Should I label it?
- WIEGERT: Why don't you label it, yep.
- FASSBENDER: While you're doin' that Brendan, anything else unique about that knife?
- BRENDAN: (shakes head "no") No.

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WIEGERT: Draw her on the bed.

BRENDAN: Should I draw the pillows?

WIEGERT: mm huh.

(pause)

WIEGERT: You can do a stick person, that's fine, and how she was laying on there.
(pause) OK and where were the handcuffs?

BRENDAN: Like, they were like that.

WIEGERT: And we have some leg cuffs too you said?

BRENDAN: Yeah.

WIEGERT: OK. Where else, w-what other things are in the bedroom, draw what else
was in there. (pause) OK. Anything else you remember? (pause) And that's a closet? And
that's a dresser?

BRENDAN: (nods "yes") mm huh.

WIEGERT: OK, anything else?

BRENDAN: And like the gu, the gun holder thing was like right here on the wall.

WIEGERT: OK. Why don't ya label that in. Gun rack maybe or.

BRENDAN: How do you spell rack?

WIEGERT: R-A C-K. OK. Anything else? (Brendan shakes head "no") Wh-where
was the key, where'd you put the key, or where did Steven put the key?

BRENDAN: In that middle a drawer.

WIEGERT: OK. Why don't you put the key there. Anything else you remember in
there? (Brendan shakes head "no")

BRENDAN: Well I think there was like a nightstand right there so.

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WIEGERT: OK, why don't you draw that.

BRENDAN: With a lamp on it.

WIEGERT: OK. Why don't ya label that. (pause) OK, um, anything else? (Brendan shakes head "no") Where'd you put her hair?

BRENDAN: Like right here.

WIEGERT: OK, why don't you label that. How much hair do you think you cut off of her?

BRENDAN: About three inches.

WIEGERT: Three inches. What part of the, of her hair?

BRENDAN: The back.

WIEGERT: OK. Anything else in there? (Brendan shakes head "no") OK, why don't you sign it, sign your name. (pause) And we'll date it and time it again. (pause) Ah, let see 1:48. OK, and there's one more thing I'm gonna have you draw would be the um, the garage. (Brendan nods "yes") OK. Why don't you draw the garage out. (pause) OK, where's the big door?

BRENDAN: Right here.

WIEGERT: OK, you wanna label that? Was there a small entry door in there? OK, where, where was her truck parked?

BRENDAN: Like that area.

WIEGERT: OK, and it was sticking out the door you said? (Brendan nods "yes") When you brought 'er outside which door did you bring her through?

BRENDAN: Right here, this little crack.

WIEGERT: And you said you put her in the truck first, (Brendan nods "yes") is that correct? (Brendan nods "yes")

WIEGERT: And then what did you do after that?

BRENDAN: We set her down, like right here.

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WIEGERT: OK, why don't you draw her body in the area you set her down. OK, um, is that where, what'd you do to her when you put her there? Or what did Steven do?

BRENDAN: He went in the house?

WIEGERT: Who went in th house?

BRENDAN: He did and got the gun.

WIEGERT: OK, and then he did what?

BRENDAN: Shot her.

WIEGERT: OK. Do you know where the empty casings were?

BRENDAN: (shakes head "no") mm uh

WIEGERT: Why don't ya label some other things in there, like a, what else was in that garage. (pause) OK, was there a snowmobile anywhere in there?

BRENDAN: Yeah, there was one here.

WIEGERT: OK, wanna label that?

FASSBENDER: Brendan, I don't know if we asked ya, the gun was, you said it was a .22, was that a single shot or what type of gun was it, do you remember?

BRENDAN: Yeah, single. (nods "yes")

FASSBENDER: It was a single shot, not a semi-automatic?

BRENDAN: (shakes head "no") mm uh

WIEGERT: Why don't you draw where the blood stains would have been.

BRENDAN: Like right here, about.

WIEGERT: And what did those blood stains come from? Like when she was laying there or

BRENDAN: Yeah, while she was laying there.

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- WIEGERT: You know did he, when he shot her you said how many times.
- BRENDAN: Ten.
- WIEGERT: Do you know did he hit her every time?
- BRENDAN: (shakes head "no") I don't know.
- WIEGERT: OK. Did he hit anything else in the garage at all?
- BRENDAN: (shakes head "no") uh uh
- FASSBENDER: Where was he standing when he shot her?
- BRENDAN: Right here.
- WIEGERT: Why don't you put an X there and put his initials there. And where were you standing?
- BRENDAN: Right over here.
- WIEGERT: OK put your initials there. Was there blood anywhere else?
- BRENDAN: (shakes head "no") No.
- WIEGERT: What about behind the vehicle or anything like that?
- BRENDAN: (shakes head "no") No.
- WIEGERT: No? All right, why don't you sign it. (door opens) (pause) (door closes) And put the time in. 1:51 looks like. OK. Um, looks good to me.
- FASSBENDER: All right, but, did you want him ta maybe draw the fire pit, or sketch of the fire pit in the back
- WIEGERT: Yeah that's a good idea.
- FASSBENDER:
- WIEGERT: Can you do that? (Brendan nods "yes") We did it the other day so let's, let's try that. Give that back ta ya.

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- BRENDAN: So like, should I draw like the garage you think there a little bit
- WIEGERT: Ya put a little bit of the garage.
- BRENDAN: There's that little area
- WIEGERT: mm huh.
- BRENDAN: It's open.
- WIEGERT: How long has that fire pit been there?
- BRENDAN: 'bout four or five months.
- WIEGERT: OK. And where did you put her body?
- BRENDAN: Right here.
- WIEGERT: Draw it in there. (pause) OK. Um, was there, was the dog there yet at that time?
- BRENDAN: Yeah, a, the dog was like right over here.
- WIEGERT: Dr-draw the doghouse then, where the doghouse was. And label that too. OK why don't you label what that was.
- BRENDAN: How do you spell garage?
- WIEGERT: G-A-R-
- BRENDAN: Yeah
- WIEGERT: A-G-E. OK, um, where'd you get the brush from?
- BRENDAN: From the field.
- WIEGERT: OK. You said that he had taken some bones (Brendan nods "yes") and put them in a five gallon pail then he dumped 'em.
- BRENDAN: Yeah.

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- WIEGERT: Where would that be? Which way?
- BRENDAN: Probably like, his house was like be a little bit right here
- WIEGERT: mm huh.
- BRENDAN: It would be like over here somewhere.
- WIEGERT: OK. Did you actually see him do that?
- BRENDAN: (shakes head "no") uh uh.
- WIEGERT: How do you know he did that?
- BRENDAN: He told me that he put 'em I a bucket and he p-threw 'em over there.
- WIEGERT: OK. OK, anything else you wanna add in there? (Brendan shakes head "no") OK, why don't you sign that. (pause)
- BRENDAN: Well when we got the seat, we put it right, we set it down right like here.
- WIEGERT: Did you sit there and watch the fire burn or anything like that?
- BRENDAN: (shakes head "no") uh uh
- WIEGERT: You just set it there?
- BRENDAN: 53?
- WIEGERT: That's pretty good. OK.
- FASSBENDER: Brendan, gots a few more questions to cover here, (Brendan nods "yes") then the worst is over, as far as um the questions. Can you describe Steven's house for me? The color and stuff like that.
- BRENDAN: It's like a red and the top is like silver and the bottom is like cement.
- FASSBENDER: OK, and where's his house located in relation to say your house.
- BRENDAN: Like how far away from ours?
- FASSBENDER: How far away, what direction if you know.

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BRENDAN: I don't know what direction, but it's about little like 'bout 350 feet away.

FASSBENDER: OK. If you come out your front door, that you can't get into now cuz its not shoveled, what direction would be left, right straight, back?

BRENDAN: Left. (nods "yes")

FASSBENDER: To the left. OK, and then his garage, how would you describe his garage?

BRENDAN: The same red and the top was black.

FASSBENDER: OK and how many garage doors are on it?

BRENDAN: One

FASSBENDER: Big garage doors.

BRENDAN: There's only one big one and one small one.

FASSBENDER: OK.

BRENDAN: And there's like three windows.

FASSBENDER: OK. Any of those windows facing your house?

BRENDAN: Just one.

FASSBENDER: OK, and then the location, and now you drew it here so it's pretty obvious, (Brendan nods "yes") that the location of the burn pit is, is where? In relation to the garage and his house, etc?

BRENDAN: In-n-n like where he used to park his car, like

FASSBENDER: The burn pit, we-where

BRENDAN: Oh the burn pit?

FASSBENDER: Yeah, what you drew here. Where is that in relation to the garage?

BRENDAN: Straight back from the garage, like in the back o-by the window.

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FASSBENDER: OK. Um, we've got the, we've got the gun, (Brendan nods "yes") now is there any reason that your DNA or fingerprints would be on that gun?

BRENDAN: (shakes head "no") mm uh, I never touched it.

FASSBENDER: Can you tell me why, i-if Teresa was, was dead when she was in the garage, why you would shoot or, why he would shoot a dead body.

BRENDAN: I don't know. Probably to make sure she's dead or somethin'.

FASSBENDER: Did he say anything, why he shot her?

BRENDAN: (shakes head "no") No.

FASSBENDER: You're just sayin', yo-your guess is that to make sure was dead.

BRENDAN: (nods "yes") Yeah.

FASSBENDER: You sure he didn't say anything?

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

FASSBENDER: Was he pretty calm about this?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: Just gonna revisit one thing, when you're in the bedroom, an-an-and you cut her throat, (Brendan nods "yes") previously you said that you thought she was alive. (Brendan nods "yes") Is that still your thought on that?

BRENDAN: (nods "yes") Yeah.

FASSBENDER: And why was that?

BRENDAN: Cuz she was breathing a little bit. She was like trying ta, ta not tryin' to breathe as hard as she could, from screamin', screaming a lot.

WIEGERT: She was screaming a lot or wasn't?

BRENDAN: She was.

FASSBENDER: When you cut her throat, was she screaming?

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- BRENDAN: mm uh (shakes head "no")
- FASSBENDER: No. When you cut her throat.
- BRENDAN: Cuz when you scream a lot, you like, your, your breathing goes up or somethin'.
- WIEGERT:explain that a little bit, you said she was screaming a lot. When was she screaming a lot?
- BRENDAN: Like
- WIEGERT: While you doing it, after you were doing it, before you did it?
- BRENDAN: Before.
- FASSBENDER: When you cut her throat, what was she doing? If anything?
- BRENDAN: Like screaming for help and crying.
- FASSBENDER: I wanna-wanna get that straight, she was screaming for help and crying when you cut her throat?
- BRENDAN: (nods "yes") Yeah.
- FASSBENDER: When did Steven choke her? Or strangle her?
- BRENDAN: Like a little bit after that.
- WIEGERT: Well lets, lets just go back a little bit OK? Tell us what exactly happened to her, what order it happened in. You said there were basically three things prior to you guys shooting her. Explain those in, in the order that it happened.
- BRENDAN: Starting with when we got in the room?
- FASSBENDER: OK.
- WIEGERT: Yeah, what you guys did to her.
- BRENDAN: We had sex with her.

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-
- WIEGERT: OK.
- BRENDAN: Then he stabbed her.
- WIEGERT: Then who stabbed her?
- BRENDAN: He did.
- WIEGERT: Who's he?
- BRENDAN: Steven.
- WIEGERT: OK, and then what?
- BRENDAN: Then I cut her throat.
- WIEGERT: OK.
- BRENDAN: And then he choked her and I cut off her hair.
- WIEGERT: OK. So he choked her after you cut her throat?
- BRENDAN: (nods "yes") mm huh.
- WIEGERT: OK, kinda show me like on your throat where you cut her.
- BRENDAN: Like right here.
- WIEGERT: How deep?
- BRENDAN: Just as long as the knife went through.
- WIEGERT: OK.
- FASSBENDER: With your finger, show me how deep you went into her throat.
- BRENDAN: About that much.
- FASSBENDER: I mean like, like this like that, like that, like that.
- BRENDAN: Like that.

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FASSBENDER: About that far? (nods "yes")

WIEGERT: When Steven stabbed her, tell me again where he stabbed her.

BRENDAN: Like right here.

WIEGERT: How far in did the knife go?

FASSBENDER: Again with your hands, if you can.

BRENDAN: About like that.

WIEGERT: OK. (Brendan nods "yes") And then he, tell me how he choked her. Where was he when he choked her?

BRENDAN: On the side of the bed.

WIEGERT: On the side of the bed. (Brendan nods "yes")

FASSBENDER: With your hands, show me what, pretend that her neck is there whatever, show me how he did it.

BRENDAN: Like this.

FASSBENDER: How long?

BRENDAN: 'bout two, three minutes.

WIEGERT: He must have had a lot of blood on his hands then huh? (Brendan nods "yes") How did he get that off his hands?

BRENDAN: Washin' it off.

WIEGERT: Where?

BRENDAN: In the sink.

WIEGERT: Which sink?

BRENDAN: In the bathroom.

WIEGERT: Did he wipe any blood up with anything? (Brendan shakes head "no")

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BRENDAN: Just that paper towel that he dried his hands with.

FASSBENDER: After you cut her throat, was she still alive?

BRENDAN: Barely.

FASSBENDER: And how do you know that?

BRENDAN: Cuz she was breathing like little bit.

WIEGERT: When do you think she quit breathing?

BRENDAN: When we were bringing her outside.

WIEGERT: Outside, what do you mean outside where?

BRENDAN: Out in the garage.

WIEGERT: How do you know she quit breathing then?

BRENDAN: Cuz her belly wasn't moving.

WIEGERT: Cuz her belly wasn't moving? (Brendan nods "yes") OK.

FASSBENDER: You talked about getting a car seat and a cabinet. (Brendan nods "yes") Whose idea was that?

BRENDAN: His.

FASSBENDER: When you went and got it, put it by the fire, did you throw it on the fire when it was time to throw it on the fire?

BRENDAN: (nods "yes") uh huh. With hi-him.

FASSBENDER: Pardon?

BRENDAN: He helped me throw it on there.

FASSBENDER: The car seat?

BRENDAN: (nods "yes") uh huh.

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- FASSBENDER: Who throw the cabinet on the fire?
- BRENDAN: He did.
- FASSBENDER: Did you throw anything on the fire?
- BRENDAN: Just that wood that we found.
- FASSBENDER: In the, in the um salvage yard, there is a skidsteer, you know what that is?
- BRENDAN: Ah, it's ta flatten cars out.
- FASSBENDER: Not the crusher, but a skidsteer. It's a, it's like a little tractor thing that has a bucket or forks on the front of it.
- BRENDAN: Oh yeah. (nods "yes")
- FASSBENDER: You know where that, you know what that is?
- BRENDAN: Yeah. (nods "yes")
- FASSBENDER: Did you guys or Steven use that at all?
- BRENDAN: (shakes head "no") uh uh.
- FASSBENDER: Did Steven use that to ah dig his fire pit? Do you know?
- BRENDAN: (shakes head "no") Uh I don't know that.
- FASSBENDER: I gotta hard, oh go ahead
- WIEGERT: OK. Did you go up north with everybody after you guys couldn't come back to your house?
- BRENDAN: uh huh. (nods "yes")
- WIEGERT: Did you and Steve talk about this up north?
- BRENDAN: uh uh. (shakes head "no")
- WIEGERT: You sure?

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BRENDAN: (nods "yes") Yeah.

WIEGERT: How was Steven acting when you got up north?

BRENDAN: Like he was trying to runaway, trying ta, trying to figure out when, how to get away from the cops.

WIEGERT: Did he ever ask you to go with him?

BRENDAN: No. (shakes head "no")

WIEGERT: Did he ever make any threats to you?

BRENDAN: No. (shakes head "no")

WIEGERT: Did he tell you anything about this as far as, what did he tell you after this?

BRENDAN: He didn't tell me nothin', (shakes head "no") he was just trying to leave.

WIEGERT: OK

BRENDAN: And then grandpa said that if you, you, if you're gonna try to leave, then that means you did it. (pause) So he sat back down.

FASSBENDER: Anyone else in the family, up north, say anything to him like that or about that type of stuff?

BRENDAN: uh uh (shakes head "no")

FASSBENDER: You said um, (pause) I-I've got some tough questions for you OK? (Brendan nods "yes") Ah, but just be honest. I need you to, to the best of your memory, describe Teresa's body to me.

BRENDAN: Like before we a put her in there, in the fire?

FASSBENDER: Yes.

FASSBENDER: Probably when she was alive, did she have any scars, marks, tattoos, stuff like that, that you can remember?

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- BRENDAN: I don't remember any tattoos.
- FASSBENDER: Any scars you remember?
- BRENDAN: (shakes head "no") Not that I seen.
- FASSBENDER: Did she have pubic hair?
- BRENDAN: Yeah. (nods "yes")
- FASSBENDER: Do you remember what color her hair was?
- BRENDAN: Brown.
- FASSBENDER: Do you remember her breasts? Were they, were they, did she have big breasts, small breasts?
- BRENDAN: Medium.
- FASSBENDER: Anything peculiar about her breasts?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: Do you ah, remember what color eyes she had or anything like that?
- BRENDAN: uh uh. (shakes head "no")
- FASSBENDER: Any piercings, any jewelry on her?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: You remember any jewelry, earrings, anything like that?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Watch? (Brendan shakes head "no") (pause) Any items like that?
- WIEGERT: Not other than that no. I just got one thing on the end.
- FASSBENDER: OK. (pause) We know that Teresa had a, a tattoo on her stomach, do you remember that?

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-
- BRENDAN: (shakes head "no") uh uh
- FASSBENDER: Do you disagree with me when I say that?
- BRENDAN: No but I don't know where it was.
- FASSBENDER: OK.
- WIEGERT: Had you ever seen Teresa before that day.
- BRENDAN: uh uh (shakes head "no")
- FASSBENDER: I just had my ending ...may be sooner than that.
- WIEGERT: Probably. Um, Brendan, how do you feel about this now?
- BRENDAN: Really sad.
- WIEGERT: Tell me why you feel really sad.
- BRENDAN: That I helped 'em and I shouldn't of, and sorry for her family that she lost their daughter.
- WIEGERT: How does Steven feel about this after, do you know?
- BRENDAN: mm uh (shakes head "no")
- WIEGERT: If you could change things, what would you change?
- BRENDAN: I woulda probably tried to stop 'em.
- FASSBENDER: Steven, er Steven. Brendan, look at me. W-Why did you do this? Why did you do your part of it?
- BRENDAN: I don't know.
- FASSBENDER: I'm giving you the opportunity to tell me why you did this.
- (pause)
- WIEGERT: Everybody has a reason for doing things. What was your reason for this?

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- BRENDAN: Cuz I wanted ta see how it felt.
- WIEGERT: See how what felt?
- BRENDAN: Sex.
- FASSBENDER: During this whole thing, did you ever think about trying to stop Steven?
- BRENDAN: Yeah.
- FASSBENDER: Why didn't you?
- BRENDAN: Cuz I thought he would try ta like, try ta kill me.
- FASSBENDER: Mark just asked you a little while ago, if he ever threatened you. Now earlier you had said, Monday, you talked about something like that and now you said no. What's the truth?
- BRENDAN: He didn't threaten me, I just thought that he was, he coulda, cuz he's bigger than me, that he could probably beat me up and that.
- FASSBENDER: So you telling us now that he never threatened you?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: And you admit you knew this that you had told us that Monday?
- BRENDAN: Yeah.
- FASSBENDER: But now you sayin' that didn't happen? (Brendan nods "yes") Did Steve say anything else to you, offer you anything for doing this or keeping your mouth shut (Brendan shakes head "no") or anything like that?
- BRENDAN: (shakes head "no") No.
- FASSBENDER: Did he tell you anything about sayin' anything about this to anyone? (Brendan shakes head "no") He just let you go into the, the bed that night and didn't say anything to you like about this?
- BRENDAN: uh uh (shakes head "no")
- FAASSBENDER: Did you ever think about callin' the police?

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BRENDAN: Sometime.

FASSBENDER: Yeah? (Brendan nods "yes")

WIEGERT: Did you ever think about us coming over to talk with you? Did you worry about that at all?

BRENDAN: (nods "yes") Yeah. I was scared the first time I had ta go, a, when I was up north talkin' to them people.

WIEGERT: mm huh.

BRENDAN: I was sweating a lot.

FASSBENDER: Had Steven told you some things to tell, to say to the police?

BRENDAN: He just told me not to say anything, that a, that his lawyer said not to say anything.

FASSBENDER: If Steven tells us that you did all of this, that, that yo-you ha-had started it and had killed her and stuff, is that true?

BRENDAN: (shakes head "no") No.

WIEGERT: Don't forget your Pepsi down there. (Brendan nods "yes") We're gonna step out for a couple of more minutes OK? (Brendan nods "yes")

FASSBENDER: Do you need to use the restroom?

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

FASSBENDER: Do you want somethin' to eat?

BRENDAN: It don't matter.

WIEGERT: How about a sandwich?

FASSBENDER: Looks like you're a little hungry.

WIEGERT: Should we get you a sandwich?

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BRENDAN: (nods "yes") Yeah.

WIEGERT: OK

(pause)

(voices speaking in background)

(door opens)

WIEGERT: Brendan there you go.

BRENDAN: Thank you.

WIEGERT: Your welcome.

(door closes)

(pause)

(long pause)

(door opens)

DENNIS JACOBS: Do you need anything? No bathroom, no nothin'? Do you wanna cookie or somethin', another sandwich? (Brendan shakes head "no")

BRENDAN: No.

DENNIS JACOBS: OK, they'll be with you shortly. (Brendan nods "yes")

(door closes)

(long pause)

(door opens and closes)

FASSBENDER: Hey bud, do you need anything? There's another sandwich out there. You sure? (Brendan shakes head "no")

BRENDAN: (nods "yes") mm huh

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FASSBENDER: You ate that whole pizza the other night, and you sure you don't want another sandwich? (Brendan shakes head "no")

BRENDAN: All right.

FASSBENDER: It's gonna be just a bit, OK?

BRENDAN: Am I gonna be at school before school ends?

FASSBENDER: Probably not. I mean we're at two thirty already, and schools over at what, three? (Brendan nods "yes")

BRENDAN: 3:05

FASSBENDER: 3:05 yeah. No.

BRENDAN: What time will this be done?

FASSBENDER: Well, we're pretty, we're pretty much done. We have a couple follow up things ta ask ya, but its pretty much done.

BRENDAN: (nods "yes") Yeah.

FASSBENDER:considering er what we had mentioned earlier we would like ta maybe go out ta the property so you can point out some of these things and where some of this stuff was.

BRENDAN: (nods "yes") Yeah.

FASSBENDER: OK?

BRENDAN: (nods "yes") OK.

(door closes)

(long pause)

(door opens and closes)

FASSBENDER: Brendan,

WIEGERT: Go ahead.

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FASSBENDER: What do you think's gonna happen? What do you think should happen right now?

BRENDAN: I don't know.

FASSBENDER: You know obviously that we're police officers. OK. (Brendan nods "yes") And be because of what you told us, we're gonna have ta arrest you. Did you kinda figure that was coming? For for what you did we we can't let you go right now. The law will not let us. And so you're not gonna be able to go home tonight. All right?

BRENDAN: Does my mom know?

FASSBENDER: Your mom knows.

WIEGERT: Your mom is here, OK? (Brendan nods "yes") Would you like ta talk to her?

BRENDAN: Yeah.

FASSBENDER: Do you have before we bring her in, do you have any other questions right now? (Brendan shakes head "no") You do understand that you're under arrest now? (Brendan nods "yes")

BRENDAN: So could I call my girlfriend and tell her that I couldn't come today?

FASSBENDER: We'll give ya an opportunity ta to do that, OK? (Brendan nods "yes") Did you kinda, and be honestly the after telling us what you told us you kinda figured this was coming? (Brendan nods "yes") Yeah? (Brendan nods "yes")

BRENDAN: Is it only for one day or?

WIEGERT: We don't know that at this time, but let me tell ya something Brendan, you did the right thing. OK. (Brendan nods "yes") By being honest, you can at least sleep at night right now. Cuz, I'm sure you've had some difficulty with that. (Brendan nods "yes") So you did the right thing here, by telling us what happened. OK. (Brendan nods "yes") Just remember that in the future, OK, you need to be honest. (Brendan nods "yes")

FASSBENDER: Your cooperation and help with us is gonna work in your favor. I can't say what its gonna do or where your gonna end up but its gonna work in your favor and we appreciate your continued cooperation. (Brendan nods "yes") We talked to your mom about going out to the house and going in the house and gettin' a few items and about you going out

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there with us and her and um pointing out those areas that we wanted ya to point out. Is that all right? (Brendan nods "yes") OK.

WIEGERT: Do you know where those shoes are that you were wearing that day? The red shoes?

BRENDAN: (nods "yes") I think they're in the closet.

WIEGERT: OK, what about the jacket?

BRENDAN: In the closet.

WIEGERT: OK. All right. We'll have your mom come in for a few minutes, OK?
All right.

(door opens and closes)

(pause)

(door opens and closes)

BARB JANDA: Why didn't you tell me? Huh?

FASSBENDER: Barbara give me your coffee, it's in your hands right now.

BARB JANDA: Huh? Did he make you do it? (Brendan nods "yes") I woulda walked out.
That's what I woulda did. (crying during pause) Why didn't you just tell 'em, no? Huh?

BRENDAN: I don't know.

BARB JANDA: You knew it was wrong, right? (Brendan nods "yes") (pause) Do you
know you can't come home? Do you know where you're going? (pause)

BRENDAN: How long is it though?

BARB JANDA: I don't know. I do not know. (pause) Do I have ta get some him an
attorney, or will they do it for me?

FASSBENDER: The court will assign one for him or the state will pay for his attorney if he
can't pay for it, but obviously you have a right at any time to try and get him one or get him one.

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BARB JANDA: I tried for a public defender not too long ago and I couldn't get cuz I've got a house.

FASSBENDER: Well there's different, different ways that they determine you know based on, on what you've been arrested for and stuff like that there's different levels of, of money that you need, you need they, they will determine and I don't know what that is or how they determine that.

(pause)

BARB JANDA: Are you gonna be OK, are you sure? Huh. Look at me. Why didn't you tell me? Stuff like that is not no secret. I don't care if he told you if he said ta keep it a secret, it's still not a secret. I don't keep secrets from yous. Do I? Don't worry about my belly, I haven't eaten in two days.

FASSBENDER: I didn't even hear it. Did you want a sandwich, Barb?

BARB JANDA: No.

FASSBENDER: We have some here.

BARB JANDA: No. I'd probably just throw it up anyhow. Am I gonna be able ta see him? Later on after he gets where he's gotta go?

FASSBENDER: I don't know ah on their policies and when they allow visitation and stuff like that. We can check with Mark, he's gonna know Sheboygan's polices or whatever. With, with juveniles there's probably a good chance but I just don't wanna say right now.

FASSBENDER ON THE PHONE: Hello, Tom here. Good how are you?

BARB JANDA: Why.

BRENDAN:

BARB JANDA: Huh?

FASSBENDER ON THE PHONE: It's on for tomorrow?

BARB JANDA: What?

BRENDAN:

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BARB JANDA: I said why?

FASSBENDER ON THE PHONE: OK.

BARB JANDA: mh huh. What did he do to you to make you do it?

BRENDAN: Nothin'

BARB JANDA: Did he force you to do it? (Brendan shakes head "no")

FASSBENDER ON THE PHONE: All right if, if we go in tomorrow and I think we need someone, I'll call you. All right?

BARB JANDA: mh huh.

FASSBENDER ON THE PHONE: All right, thanks. Bye.

BRENDAN:

BARB JANDA: mh.

BRENDAN: You don't want to.

BARB JANDA: What?

BRENDAN: I didn't want to.

BARB JANDA: Ohh. (door opens and closes) Are you regrettin' it now? (pause) You had a whole life ahead of you Brendan. Just because he's so demanding, doesn't mean you gotta do the stuff he says. Right?

BRENDAN: Where am I going?

BARB JANDA: Where do you think you're going?

BRENDAN: I don't know?

BARB JANDA: You're goin' to juvie, that's where you're going, to a juvie jail. About 45 minutes away.

BRENDAN: Yeh but I gotta question?

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BARB JANDA: What's that?

BRENDAN: What'd happen if he says something his story's different? Wh-he says he, he admits to doing it?

BARB JANDA: What do you mean?

BRENDAN: Like if his story's like different, like I never did nothin' or somethin'.

BARB JANDA: Did you? Huh?

BRENDAN: Not really.

BARB JANDA: What do you mean not really?

BRENDAN: They got to my head.

BARB JANDA: Huh?

BRENDAN:say anything.

BARB JANDA: What do you mean by that? (pause) What do you mean by that Brendan? (pause) I have a question for yous two. Is there any way that I can talk to him. Not him, the other one.

WIEGERT: As in Steve you mean?

BARB JANDA: Yes.

WIEGERT: The only way we can have you talk to him is if he calls you or if its, you know, you go there for visiting.

BARB JANDA: I won't go there and visit.

WIEGERT: OK. That's the only way. I-I have no other way of, you know, I-I can't hook you up to him or anything like that. I'm not allowed to do that. If he calls you, you can do what you want or if you go there for visiting, you know that's up to you.

BARB JANDA: Were you pressuring him?

WIEGERT: Who are you talking about?

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BARB JANDA: Him.

WIEGERT: What do you mean, pressuring him?

BARB JANDA: In talking to him.

WIEGERT: No we told him we needed to know the truth. We've been doing this job a long time Barb and we can tell when people aren't telling the truth. And, in my opinion, he'd never be able to live with himself if he didn't tell somebody. There's no way, he could've live with that. Nobody could live with that. I think Brendan knows that.

WIEGERT: Brendan, you need to use the bathroom or anything? (Brendan shakes head "no")

BARB JANDA: When are you going out to my house then?

WIEGERT: As soon as we can leave here, we'll go out there. I don't think we're gonna bring Brendan out there though. I-I just don't think that's a good idea. I don't think he needs to be exposed to that or be out there anymore. (door opens and closes) It's not gonna do him any good.

BARB JANDA: So what you're sayin' is if, when he gets out, it wouldn't be a good idea for him to be there, at all.

WIEGERT: I-You know, I can't tell you where for you guys to live, but what do you think? Do you think it's a good idea for him to next where this stuff occurred?

BARB JANDA: I-I don't wanna be there, but I can't afford another place.

WIEGERT: I know.

BARB JANDA: I mean that's \$80,000 I owe yet.

WIEGERT: I understand.

WIEGERT: It's a shitty, shitty spot to be in.

BARB JANDA: And nobody's gonna buy it.

WIEGERT: You're in a bad spot an-and I wish I had some answers for you. If there's somethin' I can do to help ya, I certainly will. (pause) Maybe you should look into movin' the house.

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BARB JANDA: I can't afford it.

WIEGERT: We-who knows, you don't even know what it'll cost, depends on where you move it.

BARB JANDA: Quite a bit. (pause) An extra \$16,000 for another basement. (pause) So what did you all help him with? Can I ask? Will you tell me? Brendan? Did you do it willingly? Huh? (Brendan shakes head "no") (pause) He did tell me one time, Steven, he told me that probably one or two of my kids would not graduate.

WIEGERT: Steven told you that?

BARB JANDA: Yeah. This was before this all even happened. So he must have had it all planned.

WIEGERT: That's very possible, very possible. (pause)

BARB JANDA: You don't know how much hatred I got right now.

WIEGERT: You're right, I don't. I can only imagine. I-I can't even put myself in your shoes Barb, I can't.

BARB JANDA: My oldest son is gonna flip. I can't even tell him. I can't.

WIEGERT: I think you better because

BARB JANDA: I can't, he's on a heart moniter now.

WIEGERT: This is gonna be on the media tonight.

BARB JANDA: Oh god.

WIEGERT: There's no way to stop it.

BARB JANDA: He's not gonna be on, is he?

WIEGERT: Brendan?

BARB JANDA: Yeah.

WIEGERT: No.

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BARB JANDA: Well they can't anyhow.

WIEGERT: No, he's not gonna be on.

BARB JANDA: How long do we have to stay here?

WIEGERT: Well, as soon as you guys are done talkin'.

BARB JANDA: No and he's not talking too much so.

WIEGERT: You know, I can leave you alone but this is all recorded and videotaped, do you understand that?

BARB JANDA: I don't care.

WIEGERT: OK. All right, do you want to be left alone with him for five minutes or it doesn't matter at this point?

BARB JANDA: It doesn't matter.

WIEGERT: OK.

BARB JANDA: I just don't know if I'm really able to handle it.

WIEGERT: You have to. Barb you have to. You've got other children you've gotta worry about.

BARB JANDA: I know.

WIEGERT: And you got Brendan to worry about too. Brendan's gonna need you through this. (pause) OK, let's go. Barb, is this yours?

BARB JANDA: Yeah.

WIEGERT: Let's go in the other room. Brendan, I'll be back OK?

(door opens and closes)

(pause)

(door opens and closes)

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FASSBENDER: Did you want another water Brendan? (Brendan shakes head "no")

(long pause)

(door opens)

WIEGERT: She wants to give him a hug.

BARB JANDA: Stand up.

(background voices)

(door opens and closes)

(pause)

(door opens and closes)

JACOBS: Brendan, my name is Dennis Jacobs and I-I'm a detective with Manitowoc County. Do you have any weapons or anything on you?

BRENDAN: Just some stuff that I can give to my mom, like a CD player and that.

JACOBS: Th-that wouldn't be a weapon though. You have like a little pocket knife anything like that?

BRENDAN: (shakes head "no") No.

JACOBS: Can you stand up, I just want to pat you down, real quick, just to make sure. Well that's nothing that gonna hurt me an, OK that's fine. OK. There's nothin', nothin' else in your pockets at all? OK. You have a shirt, you have a pocket up here.

BRENDAN: No.

JACOBS: OK, you can have a seat.

BRENDAN:do somethin?

JACOBS: Yeah, yo-you can put it back in your pockets too if you want, it's up to you. Whatever you wanna do. Actually if you wanna listen to your headphones, you can go ahead and do that too.

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(door closes)

(music playing in background during pause)

(door opens)

WIEGERT: Brendan, this what's gonna happen, OK. We're gonna take ya downstairs (door closes) and they're gonna fingerprint ya and stuff here, (Brendan nods "yes") OK, and then you'll be taken over to down to Sheboygan Co. Jail. (Brendan nods "yes") OK? (Brendan nods "yes") So, is that your's?

BRENDAN: (nods "yes") mm huh

WIEGERT: Where did ya have it, in your pocket? Holy Christmas. All right. Why don't we go. OK. Bring that along.

FASSBENDER:side or

WIEGERT: OK.....

FASSBENDER: Are we going outside?

WIEGERT: No.

(door closes)

This is the end of the interview with BRENDAN DASSEY at MANITOWOC CO. SHERIFF'S DEPT.

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

CC: District Attorney

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Interview of:

Brendan Dassey
Sheboygan County Sheriff's Department
05/13/06

Reporting Officers:

Inv. Mark Wiegert
Special Agent Tom Fassbender

INTERVIEW

(door opens & closes)

FASSBENDER: Yep. OK Brendan, just as a refresher, my name is Tom Fassbender and Mark Wiegert, you remember us from the last couple times we talked to you, right.

BRENDAN: mm huh.

FASSBENDER: OK and from th-the signs in here, you can see that this is being audio and video recorded again, OK.

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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 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 ta read those over?

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BRENDAN: (shakes head "no")

FASSBENDER: Do you understand each of these rights?

BRENDAN: Yeah.

FASSBENDER: Realizing that you have these rights, are you now willing to answer questions or make a statement?

BRENDAN: (nods "yes")

FASSBENDER: OK what I'd like you to do for me is, that is, do you understand, each of these rights, initial there, initial there that you are willing to make a statement and then I need your signature there, OK?

(BRENDAN signing documents)

WIEGERT: I heard you were gonna watch a movie last night. What movie did ya watch?

(FASSBENDER signing documents)

BRENDAN: Well it wasn't a movie, it was, it was wrestling but I only got to watch 15 minutes of it.

WIEGERT: How come?

BRENDAN: Cuz it ended at 9:00 o'clock and we got done at 8:45 almost.

WIEGERT: Oh OK. (pause) Big wrestling fan?

BRENDAN: (nods "yes")

FASSBENDER: Is it All Star wrestling?

(WIEGERT signing documents)

WIEGERT: I don't think there isn't anymore All Star wrestling.

FASSBENDER: So whatever they call that. Professional wrestling?

BRENDAN: (nods "yes")

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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-rope 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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and then was in the garage and he stabbed her and then he told me to. And, after that he wanted to make sure she was dead or somethin' so he shot her five times and while he was doing that I wasn't looking because I can't watch that stuff. So I was standing by the big door in the garage and then after that, he took her outside and we put her on the fire and we used her clothes to clean up the, some of the blood. And, when we put her in the fire, and her clothes, we were standing right by the garage, to wait for it to get down so we threw some of that stuff on it after it went down. And then, 'bout 9:00 o'clock my mom came home and she called Steven on his cell phone to tell him that I was supposed to be home at 10:00 o'clock and she asked Steven if I had a sweater on. So while we waited for the fire to go down, by the time it did get down, it was probably close to 10:00 o'clock so he told me to go home, so I did, and then got in the house and I talked to my mom for a little bit, then I went to bed.

WIEGERT: Anything else?

BRENDAN: No.

WIEGERT: What about the truck, her truck?

BRENDAN: I never seen it. (shakes head "no")

WIEGERT: What do you mean you never seen it?

BRENDAN: I never seen it that day. (shakes head "no")

WIEGERT: OK. Why don't we go back to the beginning a little bit. Brendan, let's just clarify, you get off the bus with your brother.

BRENDAN: Um huh.

WIEGERT: That's Blaine?

BRENDAN: Yeah.

WIEGERT: OK, and you walk home.

BRENDAN: Mm huh.

WIEGERT: OK. And that's about what time?

BRENDAN: 3:45.

WIEGERT: And then what do you do when you get home?

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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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- BRENDAN: Just me and Blaine.
- WIEGERT: OK. And what do you do after mom leaves?
- BRENDAN: Watch TV until Blaine goes up ta the road ta get picked up from his friend.
- WIEGERT: Is Bobbie home yet?
- BRENDAN: mm uh. (shakes head "no")
- WIEGERT: OK, so Blaine leaves the house to get picked up to go with a friend, and what do you do?
- BRENDAN: I was watching TV until say six o'er, 5:30 until I called Travis and then after that I got a phone call at 6:00.
- WIEGERT: Who called you at 6:00?
- BRENDAN: Blaine's boss.
- WIEGERT: OK.
- FASSBENDER: What's his name?
- BRENDAN: Mike.
- FASSBENDER: OK.
- WIEGERT: Mike what?
- BRENDAN: Cornelly (ph)
- WIEGERT: OK. So 6:00 o'clock Mike calls?
- BRENDAN: mm huh.
- WIEGERT: And then what?
- BRENDAN: Then I still watched TV after that and, then get a phone call at 7:00 from Steven.

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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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FASSBENDER: I look at it this way, we're giving you another opportunity, we didn't need to come back here. I-if we sit here and we feel that you're not being honest with you, we could just leave. So you go back by the fire you said.

WIEGERT: Is that true or is that not true?

FASSBENDER: We don't want you to tell us anything that's not true. I'd rather not, I'd rather have you not tell us anything than ta, ta sit here and make things up, because it's not gonna look good for you. You started to shake your head wh-when Mark just asked you that, i-is that not true, you went back by the fire. Tell us what happened.

WIEGERT: Brendan, Brendan, look at me, Brendan just look up for a second. It's very important here that you be honest, OK? Tom said w-we can just walk out the door. I mean you're the one who wanted to talk with us OK? So let's, let's go back a little bit OK? What have ya lied about so far?

BRENDAN: Nothin'.

WIEGERT: OK. So when you go over to the house, do you go inside right away or do you go to the fire?

BRENDAN: Go to the fire.

WIEGERT: And what does he tell you?

BRENDAN: Just that he was gonna help, I was gonna help 'em pick up the yard.

WIEGERT: Did he tell you anything about Teresa at that time?

BRENDAN: No. (shakes head "no")

WIEGERT: All right. Continue.

BRENDAN: Then after we got cleaned up the yard a little bit and we unloaded the stuff near the fire and after a while he told me that he wanted to show me somethin' in the house.

WIEGERT: Did he say what he wanted to show you?

BRENDAN: No. (shakes head "no")

WIEGERT: OK. So what happens then?

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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 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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- BRENDAN: Yeah.
- WIEGERT: What else is she saying?
- WIEGERT: It's OK. Just get it off your chest. (pause) What else did she say Brendan?
- FASSBENDER: We know that part hurts. An-and it hurts to say it. But these are the types of detail we need to know Brendan, OK?
- WIEGERT: What does she say?
- BRENDAN: Ta ah, don't listen to Steven and try ta go get help or somethin'.
- WIEGERT: Is she screaming or anything like that?
- BRENDAN: No. (shakes head "no")
- WIEGERT: OK. Was she wearing any clothes when she was on the bed?
- BRENDAN: No. (shakes head "no")
- WIEGERT: How about socks?
- BRENDAN: No. (shakes head "no")
- WIEGERT: So she's totally naked?
- BRENDAN: mm huh.
- WIEGERT: What is she tied up to.
- BRENDAN: The bed things.
- WIEGERT: OK. How is she tied up? Explain that to me. What is, what, what did he use to tie her up?
- BRENDAN: Her hands were tied up with the rope and her feet were cuffed.
- FASSBENDER: OK. Describe the rope for us.
- BRENDAN: Well it was just yellow, yellowish.

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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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- FASSBENDER: Braces?
- BRENDAN: mmm, no. (shakes head "no")
- FASSBENDER: Any teeth that were crooked or missing or anything like that?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: Was she bleeding at all?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: Her pubic area, did she have pubic hair?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: You don't think she had pubic hair?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: In the first interview, you said she did. Which is right or don't you remember?
- WIEGERT: If you don't remember something Brendan, tell us you don't remember. You need to be honest with us here.
- BRENDAN: I don't remember.
- FASSBENDER: OK. Um, did you, do you recall seeing her, her breasts?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: You don't recall seeing them. Did you touch 'em.
- BRENDAN: No.
- FASSBENDER: Did, did you have sex with her?
- BRENDAN: Yeah.
- FASSBENDER: But you didn't touch her breasts?

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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: No. (shakes head "no")
- WIEGERT: How long did you have sex with her?
- BRENDAN: 'bout two minutes.
- WIEGERT: Why did ya stop?
- BRENDAN: I don't know.
- WIEGERT: Where was Steve at this time?
- BRENDAN: By the door.
- WIEGERT: What was he saying if anything?
- BRENDAN: He was sayin' nothin'.
- WIEGERT: OK. When your done having sex with her, what happens next?
- BRENDAN: He tells me to grab her clothes and he starts unravin' her.
- FASSBENDER: Starts un what?
- BRENDAN: Like unroping her and that?
- FASSBENDER: Oh, OK.
- BRENDAN: Then he ties up her hands and her feet and grabs her.
- WIEGERT: Ta, lets just stop you there for a second. Didn't she try to get away or kick or anything?
- BRENDAN: No.
- WIEGERT: What is she saying during this?
- FASSBENDER: Or was he saying? What's he telling her, Brendan?
- WIEGERT: Come on, Brendan. What's he telling her at this time? We know there's some talking going on, OK. We, we know 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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- BRENDAN: This one.
- WIEGERT: This one meaning what?
- BRENDAN: That he carried her.
- WIEGERT: And what did you take out?
- BRENDAN: Her clothes.
- WIEGERT: What was she wearing?
- BRENDAN: Nothin'.
- WIEGERT: Well, what kind of clothes were they?
- BRENDAN: Pants.
- WIEGERT: What kind of pants? Or what color, er?
- BRENDAN: Blue jeans.
- WIEGERT: OK.
- BRENDAN: And a T-shirt.
- WIEGERT: What color T-shirt?
- BRENDAN: Blue.
- WIEGERT: Are you guessing at that or do you know it was blue?
- BRENDAN: It was blue.
- WIEGERT: OK. Anything else?
- BRENDAN: Just, some shoes.
- WIEGERT: What kind of shoes? Do you remember?
- BRENDAN: Just that they were black.

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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: No. (shakes head "no")
- FASSBENDER: Well, show us then how he did that.
- BRENDAN: Well he had the gun in his hands and he went under her and she was like right here.
- FASSBENDER: OK.
- WIEGERT: We asked you before about the clothes, OK? You're lying to me when your tellin' me you don't know where the bra and panties are. OK. I can tell that. Where are the bra and the panties?
- BRENDAN: I don't know. (shakes head "no")
- WIEGERT: They didn't just disappear, Brendan.
- BRENDAN: I didn't see 'em.
- WIEGERT: So, she's alive when you carry her out to the garage? And what time is that about?
- BRENDAN: 8:35
- WIEGERT: Why
- FASSBENDER: 8:35
- WIEGERT: Why do you know it's 8:35?
- BRENDAN: Cuz we were inta the living, in the, in the bedroom at eight, 8:15.
- FASSBENDER: And, how do you know that?
- BRENDAN: Cuz, there's a clock right by the door there.
- FASSBENDER: And again, how do ya know it was 8:35 when you went out ta the garage?
- WIEGERT: Brendan, you wanna be honest with us, don't you? OK. Then just tell us what you know. Be honest. You need to keep this off your chest, don't you? Yeah. So then just be honest with us, OK? How do you know its 8:35 when you go into the garage or are you guessing or you know if that's the case, are you estimating the time what? Tell me.

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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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BRENDAN: Yeah.

WIEGERT: Brendan, you have the opportunity here to do the right thing, for a change. OK? You have the opportunity to do the right thing for her and her family. OK? Why don't you take that opportunity to do the right thing? OK? You wanna to do that? Do you wanna do the right thing?

BRENDAN: Yeah.

WIEGERT: OK. Then tell us the truth.

FASSBENDER: Let's start with the truck. That's a good place ta start. There's other places we're going, but the truck is a good place ta start. Tell us the truth about the truck.

BRENDAN: It was backed inta the garage.

WIEGERT: OK. Let's start with when you bring her out ta the garage. Where do you put her?

BRENDAN: On the floor.

WIEGERT: And continue, tell us what happens.

BRENDAN: And then he stabs her and then he tells me to and then he puts her inta the jeep and then he said he would rather burn her so then he put her back on the floor and then he shot her five times.

WIEGERT: Where does he stab her?

BRENDAN: In the chest.

WIEGERT: Show me where.

BRENDAN: Like right here.

WIEGERT: Where do you stab her?

BRENDAN: In the stomach.

WIEGERT: What does she say when you stab her?

BRENDAN: Ta stop what I was doin'.

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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: Where in the garage did you get the knife from?
- BRENDAN: From in the back of the, in the, cuz he's got like a workshop in the back.
- WIEGERT: Yeah.
- BRENDAN: It was laying on there.
- FASSBENDER: So she's laying on the garage and he goes and gets the knife and then what did he do?
- BRENDAN: He walks back over by her and then stabs her.
- FASSBENDER: How does he stab her? Does he get on top of her, 'er what does he do?
- BRENDAN: He was down by her.
- FASSBENDER: Is she fighting now? (pause) Brendan?
- BRENDAN: A little bit.
- FASSBENDER: What's he telling her? Is he telling her anything?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: And he stabs her in the chest. And where you showing Mark and I that would be where? What's underneath there? What organ is in that area? Any organ in particular?
- BRENDAN: Not that I know of.
- FASSBENDER: Where's your heart located?
- BRENDAN: Over here.
- FASSBENDER: Over there. But he stabbed her right in the middle of the chest?
- BRENDAN: Mm hum.
- WIEGERT: And does he hand you the knife then or how do you get the knife?
- BRENDAN: He tells me ta, ta stab her and

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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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- FASSBENDER: Was there any gurgling going on or anything like that?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: How deep did the knife go in when Steven stabbed her? Do you know?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: Were you watching?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: How do you know he stabbed her? (pause) Simple question.
- BRENDAN: Cuz after then when he told me ta stab her there was a hole in her stomach.
- FASSBENDER: In her stomach?
- BRENDAN: In the chest.
- FASSBENDER: Did he tell you where ta stab her?
- BRENDAN: No.
- FASSBENDER: You just stabbed her in the stomach. How deep did you put the knife in?
- BRENDAN: Like three inches.
- FASSBENDER: Show us with your fingers. (Brendan demonstrates)
- FASSBENDER: 'bout that deep.
- WIEGERT: What did it feel like when you did that? I mean did you hit anything when you went into her?
- BRENDAN: No. (shakes head "no")
- WIEGERT: Take my pen and show me, what you would, how you did it.
- BRENDAN: Like (Brendan demonstrating)

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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 inta 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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BRENDAN: Cuz I wasn't looking.

WIEGERT: But you shot her too. Brendan, did you shoot her?

BRENDAN: No.

WIEGERT: You sure? I think you did.

BRENDAN: I never touched the gun.

FASSBENDER: The first time you told us ah 10 times, about 10 times, that you shot her. And you told us where he shot her. Were you lying then or are you lying now?

BRENDAN: I was lying ah then.

FASSBENDER: Why? Why are there 10 shell casings or more on that garage floor?

BRENDAN: Well there's gun shells all over the place though.

FASSBENDER: Were there gun ca-shell casings before you took her in there?

BRENDAN: I don't know. I never seen none.

WIEGERT: What kind of gun was it?

BRENDAN: A .22.

WIEGERT: And whose gun was it? Was it your gun?

BRENDAN: No. (shakes head "no")

WIEGERT: Whose gun was it?

BRENDAN: The owner of the house's.

WIEGERT: And whose trailer was it in?

BRENDAN: The one where Steven was living at.

WIEGERT: And, where in that trailer was the gun?

BRENDAN: In the bedroom.

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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: Could it have been more or could it have been less? Your memory says five. Is that what you're saying to us?

BRENDAN: mm huh..

FASSBENDER: OK.

WIEGERT: What else happened in that garage to her? There's some other things that we have evidence of but you need to tell me. (pause) What else happened in that garage? (pause) You guys did some other things to her. Just tell us.

BRENDAN: I didn't do nothing else.

WIEGERT: OK. What else did Steve do? Come on, it's OK. What else did Steve do to her?

BRENDAN: I don't know.

WIEGERT: After you shoot her, what do you do next?

BRENDAN: I didn't shoot her.

WIEGERT: OK, after Steve shoots her, what do you do next?

BRENDAN: He sets the gun down.

WIEGERT: OK. Then what?

BRENDAN: Then he takes her out to the fire and then puts her in the fire and then he came back to the garage and

WIEGERT: OK, stop. I know that's not true. You're forgetting something. After you guys shoot her, she's on the ground in the garage. Right? On the floor?

BRENDAN: mm huh.

WIEGERT: Where, what do you do with her after that? (pause)

FASSBENDER: Do you put her in the jeep?

BRENDAN: No. (shakes head "no")

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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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- FASSBENDER: Why did you tell us that?
- BRENDAN: I don't know.
- FASSBENDER: Did you help him take her out to the fire?
- BRENDAN: No.
- FASSBENDER: When he came back from the fire, he had put her on the fire, now you come back from the fire, or he does, what do you guys do?
- BRENDAN: We start to clean up the blood.
- FASSBENDER: The jeep's still in the garage? Her jeep?
- BRENDAN: Yeah.
- FASSBENDER: Okay, then whadda ya use to clean up the blood?
- BRENDAN: Her clothes.
- FASSBENDER: Any, anything else?
- BRENDAN: Bleach, gas and paint thinner.
- FASSBENDER: Was there a lot of blood on the floor? (pause) In your estimation, was there a lot of blood on the floor?
- BRENDAN: Yeah.
- FASSBENDER: Did her, did her clothes get pretty soaked with it?
- BRENDAN: Yeah.
- FASSBENDER: Now those jeans that we took out of your house, were those the jeans you used that night?
- BRENDAN: Yeah.
- FASSBENDER: You were wearing?

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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: How did your DNA get in the truck?

BRENDAN: It ain't.

WIEGERT: And how do you know that?

BRENDAN: Cuz I never went in it.

WIEGERT: Do he drives the truck down there himself? I don't think so. Brendan, did you help him take the truck down there. If you did, so what.

BRENDAN: I didn't.

WIEGERT: Where were you when he did that?

BRENDAN: I was at home.

FASSBENDER: You went home, home, to your house?

BRENDAN: mm huh.

FASSBENDER: Who was home?

BRENDAN: My mom.

FASSBENDER: See, I can't believe that now. I'm sorry. Your mom wasn't home. Your mom was at Scott's.

WIEGERT: Brendan, d-do you want us to walk out of here? Is that what you want? Then quit lying to us.

FASSBENDER: First version you say you went down and ended up yet with Steven with the RAV4. You saw some things down there. You told us about those things. Where'd you come up with that? You told us that Steve took the license plates off the vehicle. You told us that Steven went under the hood of the vehicle. What did you just grab that out of the air? How do you know those things?

BRENDAN: Just guessing.

WIEGERT: Your mom's not home. Why did you just lie about that?

BRENDAN: Well he didn't, didn't take the jeep down right away.

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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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hard did you do it? (Brendan demonstrates) That's it? I don't think so. You do that you're not even gonna pierce the skin. Be honest here. How hard did you stab her? Show me. (Brendan demonstrates) OK. Now if you do that, you know what happens? Blood spurts out, right? So where did the blood go on you? Where did you have blood on ya?

BRENDAN: My pants and my hands.

WIEGERT: How did you get that blood off your hands?

BRENDAN: Washed it off.

WIEGERT: You know how I can tell when you're lying to me, Brendan? Your voice changes. I've been doing this job a long time along with Tom, OK. You can't fool us, OK. You can't continue to lie and expect us to believe this. Do you think you're that smart that you can fool us, Brendan? Do you want to talk with us and tell us the truth?

BRENDAN: Yeah.

WIEGERT: OK, then tell us the truth. Where did that knife go?

BRENDAN: It was in the jeep.

FASSBENDER: OK. We'll give you that. It was in the jeep. What Steven say he did aft, he did with it after that?

BRENDAN: He didn't tell me nothin' about it.

FASSBENDER: What, what happened to her underwear?

WIEGERT: That we know you know.

BRENDAN: No I don't.

WIEGERT: You do.

BRENDAN: I didn't see um.

FASSBENDER: The first time we talked to you or the second time you talked about cutting her hair off. Where did the hair go? Did you cut her hair off?

BRENDAN: Yeah.

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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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BRENDAN: Yeah.

WIEGERT: OK. So when I walk out this door right now and I go call your mom and tell her that you've been lying to me, what do you think she's gonna to say? You think she'll be mad at you?

BRENDAN: Yeah.

WIEGERT: Do you want her mad at you? Then why are you lying? You're gonna tell us the truth now? A simple question. Where is the knife? Where is the knife, Brendan?

BRENDAN: In the house.

WIEGERT: In whose house?

BRENDAN: What do you mean in the beginning?

WIEGERT: No, I mean where is it now?

BRENDAN: In the jeep.

FASSBENDER: Whadda ya mean in the beginning? You mean where you got the knife from? Where did you get the knife from?

BRENDAN: In the kitchen.

FASSBENDER: Brendan, I'm gonna tell you what. I just about had enough and I'm, I'm gonna leave and I'm gonna take Mark with me, um, and we're gonna talk and if Mark can convince me to come back in, if that's what he even wants, we'll come back in, to give you a moment to think about. If we come back in, just tell us the truth. We're gonna take you through it if we come back in, you can tell us the truth and we're gonna ask you some tough questions. If you changed your story between, we'll ask you why, cause that's important. OK?

WIEGERT: OK. What he's saying is you got one opportunity left. You understand that? You gonna take that opportunity? Think about it. You got one more chance to tell the truth or we're done. Got it? Do you want a soda or water or anything? (Brendan nods "no") One more opportunity if I can convince him to come back.

(Break)

(door opens and closes)

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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 it 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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that. You don't need to lie about anything anymore. You don't need to lie about anything. We know you lied to us in the past, right? But you don't need to do that anymore, you've already admitted that you're involved, that's the hard part, it's over. So now the easy part comes, just tell us what happened, that's all, just tell us what happened. Do this one last good deed in your life for Teresa. For Teresa's mom. We told her that you'd be honest with us, don't let her down, OK? Can you do that? If you can't, tell me, we'll leave. You need to talk to me though, talk to me. Can you do that, can you be honest, yes or no?

BRENDAN: Yes.

WIEGERT: Do you want to be?

WIEGERT: I can't hear you.

BRENDAN: Yeah.

WIEGERT: Are you going to be?

BRENDAN: Yeah.

WIEGERT: Then do the right thing here, let's talk. Tell us what happened.

BRENDAN: Where should I start?

WIEGERT: Let's start at the beginning. You come home from school.

BRENDAN: Came home from school and walked down the road to ah our house, went inside, and I played Playstation 2 until 5:00 o'clock, while Blaine was on the phone and mom came home and I talked to her for a little bit and she left with Scott, and then at 5:30 Blaine left, then I watched TV 'til

WIEGERT: Just estimate, if you don't know what time, just say about.

BRENDAN: 'bout 5:45 and I called TRAVIS and after I was done with that, I watched a little TV and then I answered the phone and it was BLAINE's boss, MIKE.

WIEGERT: Are you sure about that, I don't think that's true. You know why I think it's not true?

BRENDAN: Why?

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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 yours, 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: Why did you go over there? You had this stuff planned out already, didn't you? You and Steve had this planned?

WIEGERT: Yeah? Yes or no?

BRENDAN: Yeah.

WIEGERT: OK and when did you plan it?

BRENDAN: For a few days.

WIEGERT: OK. And what did you have planned? Tell me what you had planned. (pause) Come on. Brendan did you have this planned? Yes or no?

BRENDAN: Yes.

WIEGERT: Who did you plan it with?

BRENDAN: Steven.

WIEGERT: When?

BRENDAN: A few days before it happened.

WIEGERT: OK, and what did you have planned to do? (pause) The details are easy, come on, you've already given me that you were involved in it, so just go on with the details, paint a picture for me. Obviously I know already, I know a bunch of this already. I keep proving that to you. The details are easy, just tell me what you guys planned and what you did, no sweat.

BRENDAN: That I had sex with her.

WIEGERT: Well let's back up a second. You said you planned this a couple days earlier, is that true or not? Yes or no?

BRENDAN: Yes.

WIEGERT: OK, so where did you plan this, by Steve's house or your house, or in the car or what, up north, or what?

BRENDAN: In Steve's house.

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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: OK. Tell me about that day when you planned it. What was it, what did you talk about? What did you plan to do?

BRENDAN: 'bout what we were gonna do and that.

WIEGERT: Well ya, what were, tell me what the plan was. What were you gonna do? Do you understand what I mean? OK, when you make a plan was that like a list of things you're going to do for the day. Right? Is that what a plan is?

BRENDAN: Yeah.

WIEGERT: OK, so did you make some type of a list that you were gonna do that day?
(pause) Come up with an idea?

BRENDAN: Not really.

WIEGERT: OK. Well what did you talk about with Steve a couple days prior to?
(pause) Brendan what did you talk about? (pause) I can't hear you.

BRENDAN: I can't remember.

WIEGERT: OK.

FASSBENDER: What did it involve?

WIEGERT: Just give me an idea of what Steve told you he was going to do.

BRENDAN: Like how he was gonna do it and without someone seeing it.

WIEGERT: Did he tell you who he was going to do it to?

BRENDAN: Yeah.

WIEGERT: And who did he say he was going to do it to?

BRENDAN: Teresa.

WIEGERT: Why did he pick Teresa?

BRENDAN: Cuz she was comin' over that day.

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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 planned it.

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WIEGERT: Planned it?

WIEGERT: OK. So when you planned it, did you plan that, you know, if he got the girl, that you could get some? Was that the plan? Or was the plan just to kill her, or what was the plan? (pause) Tell me what the plan was. (pause) Tell me what the plan was.

BRENDAN: That he just wanted ta kill her.

WIEGERT: Why did he just want to kill her?

BRENDAN: I don't know.

WIEGERT: Well what did he tell you? Did he tell you anything? Yes or no?

BRENDAN: No.

WIEGERT: He just said he wanted to kill her?

BRENDAN: Well jus that he was pissed off because Jodi wasn't with him anymore.

WIEGERT: OK. So he was pissed off that Jodi wasn't with him anymore so then he was gonna kill Teresa. Did he talk about a plan about having sex with her first, did he talk about that?

BRENDAN: No.

WIEGERT: OK, so he was pissed off that Jodi was in jail so that's why he was gonna kill Teresa. So OK, you go over to the house about 4:00 o'clock and you already know she's there, that's what you told me, and what happens when you get ta the house?

BRENDAN: We start to talk.

WIEGERT: Whose we?

BRENDAN: Me and Steven.

WIEGERT: OK, good. Then what?

BRENDAN: And after we're done talking.

WIEGERT: After you're done talking?

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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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me to come over. And he said that he had a bonfire. So we went around to pick up the yard and that.

WIEGERT: mm huh.

BRENDAN: And then when we had all the stuff picked up, he told me to come in the house and to start what we were planning.

WIEGERT: OK.

BRENDAN: So I did and then

WIEGERT: Which was what?

BRENDAN: To have sex with her.

WIEGERT: So you had sex with her at that time?

BRENDAN: mm huh.

WIEGERT: Did you take all your clothes off?

BRENDAN: Yeah.

WIEGERT: OK. Di-so then you like laid on top of her?

BRENDAN: Yeah.

WIEGERT: Did you kiss her?

BRENDAN: No.

WIEGERT: Did you touch her breasts?

BRENDAN: No.

WIEGERT: Did you lick her breasts?

BRENDAN: No.

WIEGERT: What else did you do to her?

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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: That he grabs her and that.
- WIEGERT: Tell me how he does that, you mean he grabs her?
- BRENDAN: He ties her up and then he-he grabs her and
- WIEGERT: You both grabbed her didn't you? You helped carry her into the garage, right?
- BRENDAN: No.
- WIEGERT: OK. So he carries her to the garage. Is she alive?
- BRENDAN: Yeah.
- WIEGERT: What is she saying?
- BRENDAN: To stop what we were doin' and to let her go.
- WIEGERT: How many times did you punch her?
- BRENDAN: Zero.
- WIEGERT: How many times did Steve punch her?
- BRENDAN: None that I know about.
- WIEGERT: OK.
- FASSBENDER: One, one question. When you went over at 4:00 o'clock Brendan,the first time you told us that Steven was kinda sweaty and stuff. Wa-was he sweaty? Did he tell ya that he had already had sex with her that before you got there?
- BRENDAN: No.
- FASSBENDER: Was he sweaty?
- BRENDAN: Yeah.
- FASSBENDER: And did he tell you that he had already had sex with her once and had just gotten done?

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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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- BRENDAN: Yeah.
- WIEGERT: Can you draw that knife for me?
- BRENDAN: I'll try.
- WIEGERT: OK. That's all I can ask. Why don't you do that for me.
- FASSBENDER: Now where's this round thing you were talkin' about at the top? That is it? Is that a hole? Or a
- BRENDAN: No the thing where you
- FASSBENDER: A notch like
- BRENDAN: Yeah.
- FASSBENDER: OK.
- WIEGERT: So this folds up?
- BRENDAN: Mm huh.
- WIEGERT: OK. Now, seriously now is the really the knife that he used?
- BRENDAN: Yeah.
- WIEGERT: OK. Now how come you didn't tell me that before? All right. Sss, put your name or sign your name down here. OK. So if he takes the knife out of the pocket and what happens?
- BRENDAN: Then he stabs her.
- WIEGERT: Now tell me again where he stabbed her.
- BRENDAN: In the chest.
- WIEGERT: All right. And then what happens?
- BRENDAN: Then he tells me ta come over and stab her.

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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 inta 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: Then he took her and
- WIEGERT: Go ahead.
- BRENDAN: took her outside
- WIEGERT: Mm huh.
- BRENDAN: And he checked if she was still alive.
- WIEGERT: How did he check that?
- BRENDAN: See if there was a pulse.
- WIEGERT: He checked that? When, when she was in the garage or when she was outside or where?
- BRENDAN: When she was outside.
- WIEGERT: OK. Was there a pulse?
- BRENDAN: No.
- WIEGERT: OK. Was he happy about that? What was he saying during this?
- BRENDAN: Well, he told me that there was no pulse and
- WIEGERT: OK
- BRENDAN: That he was gonna put her on the fire.
- WIEGERT: All right.
- BRENDAN: Then, he does, he puts her on the fire.
- WIEGERT: You helped him though?
- BRENDAN: Yeah.
- WIEGERT: Tell me how you did that.

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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 eves 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: OK. Anything else?
- BRENDAN: The wood cabinet and the van seat.
- WIEGERT: OK. But after you put her on the fire and you put all the stuff on top of her, what do you do next?
- BRENDAN: We waited until most of its burned and then he swishes it around.
- WIEGERT: How does he swish it around?
- BRENDAN: With a shovel and
- WIEGERT: And?
- BRENDAN: A rake.
- WIEGERT: And you helped him with that, right.
- BRENDAN: Yeah.
- WIEGERT: OK. Tell me what you did.
- BRENDAN: I was just movin' the ashes and that around.
- WIEGERT: Were you choppin' up the bones?
- BRENDAN: Yeah.
- WIEGERT: Who was doing that?
- BRENDAN: He was.
- WIEGERT: Well, show me how he was doin' that.
- BRENDAN: He would take the shovel and like bang on the, the bones.
- WIEGERT: And you did that too?
- BRENDAN: Well, I was just swishing the ashes around.

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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 inta 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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- BRENDAN: Cuz the next day he told me he took 'um off.
- WIEGERT: OK. And where did he say he put 'um? I heard that he showed them to you.
- BRENDAN: I don't remember.
- WIEGERT: Did he show them to you?
- BRENDAN: Not that I know of. (shakes head "no")
- WIEGERT: Where do you think the knife is now?
- BRENDAN: I don't know.
- WIEGERT: Come on, Brendan. Where do you think the knife is? Do you have it at your house?
- BRENDAN: No. (shakes head "no")
- WIEGERT: What did he give you as a souvenir for this?
- BRENDAN: Nothin'
- WIEGERT: What about the hair? Did you cut the hair off like you said earlier or is that a lie.
- BRENDAN: A lie.
- WIEGERT: Why did you lie about that?
- BRENDAN: Cuz, I was nervous.
- WIEGERT: OK. Are you nervous now?
- BRENDAN: No.
- WIEGERT: Relaxed? Good. So what you're telling me now is all the truth? So, you didn't cut any hair off?
- BRENDAN: (shakes head "no")

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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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- WIEGERT: OK. Tell me about that. What did he say about her?
- BRENDAN: That she looked good and she was pretty nice.
- WIEGERT: OK. Did he tell ya where she worked?
- BRENDAN: No. (shakes head "no")
- WIEGERT: Did he tell ya how he was gonna get her in the house?
- BRENDAN: No. (shakes head "no")
- WIEGERT: How did he, do you know?
- BRENDAN: No. (shakes head "no")
- WIEGERT: OK. So a couple days prior you said there this lady he knows or tell me how he says that. I don't wanna put words in your mouth, tell me how he says it to you.
- BRENDAN: That he had a girl coming over ta take a picture of a van.
- WIEGERT: OK. What else?
- BRENDAN: And then that he would do that ta her.
- WIEGERT: No, wha-tell me exactly what he said.
- BRENDAN: That he would kill her.
- WIEGERT: Did he laugh about it or what? Why did, why did he say he was gonna kill her?
- BRENDAN: Cuz he was pissed off that Jodi was in jail again.
- WIEGERT: Why is he pissed off that Jodi was in jail? Did he tell ya why?
- BRENDAN: No. (shakes head "no")
- WIEGERT: Oh, yes he did. He told you why he was pissed off. Probably cuz he wasn't gettin' any or something like that's my guess. You know what I mean by that?

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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: What kind of stuff did he wanna do ta Jodi that she wouldn't let him?

BRENDAN: I don't know.

WIEGERT: So tell me again why he told you that he was going ta do this to Teresa. The whole story.

BRENDAN: Cuz he was pissed off about Jodi being in jail because the first time it was her old boyfriend and then, that ah she had ta go ta jail again for drunkin' driving cuz Steven thought that she had a drinking problem.

WIEGERT: OK. What else did he say?

BRENDAN: That he was trying to help her ta stop drinking and ta help her try ta get her daughter back.

WIEGERT: OK. What else?

BRENDAN: That's all I can remember.

WIEGERT: OK. Good. Did he blame Teresa for Jodi being in jail?

BRENDAN: No. (shakes head "no")

WIEGERT: Then why did he pick Teresa?

BRENDAN: I don't know.

WIEGERT: At what point did you put her cell phone and camera and purse and stuff in the burn barrel?

BRENDAN: I didn't.

WIEGERT: OK. Who did?

BRENDAN: Probably Steven.

WIEGERT: Well not probably, who did? If ya know you can tell me. You went over there.

BRENDAN: Steven did.

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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: Cuz, you went through her purse, didn't you? So how did the money get out of her purse?

BRENDAN: He gave it ta me.

WIEGERT: How much did he give you?

BRENDAN: A few dollars.

WIEGERT: Did ya see the purse in the house?

BRENDAN: No.

WIEGERT: Did he just tell ya that, that was her, her money, what?

BRENDAN: Yeah.

WIEGERT: Is that true or are you lying again?

BRENDAN: The truth.

WIEGERT: And the truth is you put her purse and her cell phone and her camera in the burn barrel. That's the truth?

BRENDAN: No.

WIEGERT: Well, is it the truth?

BRENDAN: No.

WIEGERT: OK.

FASSBENDER: Did you see that stuff in there?

BRENDAN: No. (shakes head "no")

FASSBENDER: Do you remember telling us prior?

FASSBENDER: The last time that you saw that stuff in the burn barrel

BRENDAN: Yeah.

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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: Did you cut her throat?

BRENDAN: No.

WIEGERT: Does anybody else know about this besides you and Steven?

BRENDAN: No. (shakes head "no")

WIEGERT: So I think somebody else does. Who else knows about this?

BRENDAN: I don't know.

WIEGERT: You told some people. Who did you tell?

BRENDAN: No one.

FASSBENDER: We, we believe you told Travis.

WIEGERT: Did you tell Travis?

BRENDAN: Not that I remember.

WIEGERT: OK. What about Chuck?

BRENDAN: I didn't talk to him much.

WIEGERT: What about Earl?

BRENDAN: The last time I talked to 'em was or the first time I talked to 'em before my birthday or after my birthday was on December 25th when we were over by his house for Christmas.

WIEGERT: OK. We heard you were crying a lot. Is that true? It's OK. If you were, it's OK. I understand that.

BRENDAN: Yeah.

WIEGERT: Why were you crying a lot?

BRENDAN: Cuz after a while I was thinking that I did the wrong thing.

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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: When you gonna do that?
- BRENDAN: Probably tonight.
- WIEGERT: Don't ya think she has the right to know?
- BRENDAN: Yeah.
- WIEGERT: Yeah. I think she'd like to hear it coming from you rather than from me.
- BRENDAN: And if she has any questions cuz I'm seeing her tomorrow.
- WIEGERT: OK. She's coming here tomorrow?
- BRENDAN: Mm huh.
- WIEGERT: Then maybe it be a good idea to call her and tell her before she gets here tonight. That's what I would do. Cuz, otherwise, she's gonna be really mad here tomorrow. Better on the phone, isn't it?
- BRENDAN: Mm huh.
- WIEGERT: That's up to you though, that's your decision whether you want to do that or not. It's just a suggestion. Um, that key from the, from the jeep, from Teresa's jeep. Tell me about that key. Where did Steve have it hidden?
- BRENDAN: In his bedroom.
- WIEGERT: Where in his bedroom? He told you where it was. Did he tell you where it was?
- BRENDAN: Yeah.
- WIEGERT: OK, where?
- BRENDAN: Well at first he had it in his room in his dresser.
- WIEGERT: OK
- BRENDAN: And he took it out because he was going to get rid of it, but he, he had to hurry up to get the phone because he had to answer it so he let the key there.

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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: Yeah.
- WIEGERT: And what do ya see him do next? Tell me again.
- BRENDAN: That he had the key in his hand but then he dropped it ta answer the phone.
- WIEGERT: And then what.
- BRENDAN: And then he walked into the living room and sat down by the computer and talked ta whoever was on the phone.
- WIEGERT: Where did he drop the key?
- BRENDAN: By the dresser.
- WIEGERT: And you saw that happen?
- BRENDAN: Yeah.
- WIEGERT: Did he ever pick it up?
- BRENDAN: No.
- WIEGERT: Who was he talking to on the phone?
- BRENDAN: I don't know.
- WIEGERT: On November 2nd you were over at his house. What were you guys talking about that day?
- BRENDAN: Well, he was asking me what my future plan was.
- WIEGERT: Did you talk about Teresa at all?
- BRENDAN: No.
- WIEGERT: Come on, you just, you just killed a girl and you didn't talk about it at all? I don't believe that. You told me he was gonna get rid of that key. What was he gonna do with the key? Why did he go get the key that day?

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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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- WIEGERT: Did you keep anything of hers?
- BRENDAN: No. (shakes head "no")
- WIEGERT: Did Steven keep anything of hers?
- BRENDAN: No.
- WIEGERT: You helped Steve put that cardboard on top of her car, didn't you?
- BRENDAN: No.
- WIEGERT: Who helped him?
- BRENDAN: I don't know.
- WIEGERT: What was Steve gonna do with her jeep?
- BRENDAN: Crush it.
- WIEGERT: When was he gonna do that?
- BRENDAN: He said he'll smash it faster a day than he can do it.
- WIEGERT: You guys talk about this when you were up north? Talk about like a plane flying over, anything like that? Were you nervous about that?
- BRENDAN: Sort of.
- WIEGERT: Well tell me about that. What was he nervous about?
- BRENDAN: When he seen the air, the airplane he said that they must be on to 'em and that.
- WIEGERT: The night that his happened, October 31st, Halloween night, when you were at the house, did Steve get any phone calls?
- BRENDAN: No. (shakes head "no")
- WIEGERT: You told me last time you did. You told me Jodi called. You're nodding your head. Tell me, did Jodi call?

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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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- WIEGERT: Do ya know why?
- BRENDAN: No.
- WIEGERT: OK. Where did you see him drop the key?
- BRENDAN: Like right here.
- WIEGERT: Did you really see that? Brendan? Did you really see him drop the key?
- BRENDAN: No.
- WIEGERT: Then why did you say that? Did you or didn't you?
- BRENDAN: No.
- WIEGERT: OK. Well, you know what? This interview is finished. You lied one too many times to me. Sorry, we're done. We have a problem with that. Do you have anything else you want to say before we leave? I hope you call your mom before I do.
- FASSBENDER: Brendan, I, I, I want you to have a chance here. Why, why did you lie about the key?
- BRENDAN: I was startin' to get the mind's thoughts again.
- FASSBENDER: Tell me about those.
- BRENDAN: That people are telling me not to say anything and that.
- FASSBENDER: OK. How's that relate to the key? Are you trying ta, are you trying to help us too much? The only way you can help us is by telling the truth, the facts. If you try to help us too much, that really doesn't help. You can try and help all these other people that tell you things, that doesn't help. You need to help yourself. And that's by tellin', that's by tellin' the truth. You have to be a little selfish here right now and not what worry about what might help us and not worry about what might help other people. You have to really be selfish right now and think what's gonna help me and I think you believe that that probably is the truth. You thought about two weeks after, you know, that you and Steven killed Teresa and you got feelin' really bad. And you probably felt really bad about the Halbachs because they were lookin and, and they probably knew now that their daughter was dead. That's a pretty serious thing to do, right? To kill someone?
- 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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WIEGERT: Where were you?

BRENDAN: On about here.

WIEGERT: OK. So if the bed is in between you and where he dropped it, how would you see that? How do you explain that to me?

BRENDAN: Well he was facin this way and

WIEGERT: Don't you understand what I am saying? If you're here, the bed is in the middle and he's here, could you see that?

BRENDAN: Yeah.

WIEGERT: OK. What did you see then?

BRENDAN: That he was standin' there, he had the key in his hand and then the phone rang and so he dropped the key and ran for the phone.

FASSBENDER: Were you and him talking a lot at this time?

BRENDAN: Not when the phone rang.

FASSBENDER: Starting just prior to the phone, like he's in the bedroom talkin' to you out there and stuff?

BRENDAN: No.

FASSBENDER: But you're saying you were looking down there.

BRENDAN: Mm hum.

FASSBENDER: OK.

WIEGERT: (in the background) Hello. Yeah we're in an interview . . .

FASSBENDER: If you want me to believe that's how that happened now OK. Is that true?

BRENDAN: Yeah.

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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 waivered 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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FASSBENDER: Brendan, I have a feeling he's gonna tell you something like that. I mean, I, I don't believe you believed for any second that she just walked back there and, and allowed herself to get tied up. Then how did he say he did it?

WIEGERT: How did he get her in there?

FASSBENDER: The truth for Teresa and yourself.

BRENDAN: That he had her tied up already.

WIEGERT: Let's talk about Halloween. That was on Halloween, right? Do you know anything about Steve being into Satan stuff. Did you ever talk about that at all?

BRENDAN: No. (shakes head "no")

WIEGERT: Did he pick Halloween for any reason?

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

WIEGERT: When you were doing this planning thing a couple days before, did he talk about that?

BRENDAN: No. (shakes head "no")

WIEGERT: Did you actually plan this a couple days before.

BRENDAN: Yeah.

WIEGERT: That's true? How did he get Teresa into the house? Did you help him?

BRENDAN: No.

WIEGERT: Who helped him?

BRENDAN: No one.

WIEGERT: How did he get her in there?

FASSBENDER: That had to be a part of the planning, right? Or him telling you later. You're thinking too much Brendan. Any time you don't answer fairly quick that means you're thinking too much. You don't need to think about the truth.

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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. (shakes head "no")
- WIEGERT: Who put the stuff in the burn barrel?
- BRENDAN: Steven did.
- WIEGERT: Did you see 'em do that?
- BRENDAN: No.
- WIEGERT: How do you know he did?
- BRENDAN: Cuz he told me.
- WIEGERT: What did he tell you he put in the burn barrel?
- BRENDAN: Nothin'
- WIEGERT: You just said that he told you he put it in the burn barrel. What did he tell you he put in there?
- BRENDAN: What do you mean?
- WIEGERT: What kind of things did he put in the burn barrel? What kind of items?
- BRENDAN: A camera.
- WIEGERT: What else?
- BRENDAN: Cell phone, her purse.
- WIEGERT: What else?
- BRENDAN: That's all I can remember.
- WIEGERT: How much money did you guys take from her?
- BRENDAN: He only gave me like a few bucks.
- WIEGERT: Did he tell you where he got it?

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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: Cuz I know you do that once in a while.
- BRENDAN: No I don't.
- WIEGERT: Well how come you and Travis talk about it a lot?
- BRENDAN: He does it, but I don't do it.
- WIEGERT: You don't smoke anything?
- BRENDAN: (shakes head "no")
- WIEGERT: You smoke cigarettes?
- BRENDAN: No, (shakes head "no") I tried it.
- WIEGERT: Yeah, did you try marijuana?
- BRENDAN: No.
- WIEGERT: Well, I heard that you smoke marijuana once in a while.
- BRENDAN: No.
- WIEGERT: Does Steve?
- BRENDAN: Cigars.
- WIEGERT: He smokes cigars? What about drink, does he drink at all?
- BRENDAN: Occasionally.
- WIEGERT: OK, were do you guys drinking before this?
- BRENDAN: No. (shakes head "no")
- WIEGERT: How much blood did you have on you after she got stabbed? Do you remember?
- FASSBENDER: The truth.
- BRENDAN: There was like a little on my hands, and my pants.

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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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- BRENDAN: Yeah.
- WIEGERT: Did he talk a lot about killing people? (pause) Stay with me here. Did he talk a lot about killing people?
- BRENDAN: Not really.
- WIEGERT: When was the first time he had mentioned killing somebody?
- BRENDAN: A few days before October 31st.
- WIEGERT: And how did that get brought up?
- BRENDAN: Cuz we were watchin' TV and on the news there was someone that killed someone.
- WIEGERT: OK. And what did he say when he saw that?
- BRENDAN: That he was gonna plan to kill someone and.
- WIEGERT: And who did he say he was gonna plan to kill?
- BRENDAN: The girl that takes the pictures of cars for a magazine.
- WIEGERT: And he told you that while he was sitting at his house, watching TV?
- BRENDAN: Yeah.
- WIEGERT: Did you say anything to him like you shouldn't do that or?
- BRENDAN: No.
- WIEGERT: Did he ask you to help him?
- BRENDAN: Yeah.
- WIEGERT: What did he ask you to do specifically?
- BRENDAN: I can't remember.
- WIEGERT: OK. Good. Can't remember why'd you say that?

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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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BRENDAN: mm huh.

FASSBENDER: OK.

WIEGERT: Did you help take her clothes off?

BRENDAN: No.

WIEGERT: How did she get all her clothes off?

BRENDAN: Steven.

WIEGERT: That's got to be hard though, don't you think, trying to hide somebody and take their clothes off, by yourself? I think you helped, didn't you?

BRENDAN: No.

WIEGERT: So when you took her out to the garage, show me again how she was tied up, with her, with your hands.

BRENDAN: Like this.

WIEGERT: OK. All right.

FASSBENDER: If she's alive and everything when you carried her out to the garage, is that true?

BRENDAN: Yeah.

FASSBENDER: Was she trying to hit 'em or anything?

BRENDAN: She was trying to.

FASSBENDER: Yeah, who held the door open for him to get out in the garage or out of the house?

BRENDAN: I did.

FASSBENDER: Brendan, oh go ahead. Brendan, when you got home that night, did you wash any of your clothes? The truth, you don't have to think about that answer.

BRENDAN: No.

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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: Yeah.

BRENDAN: So that's the way we took, and then went down in the pit and put it right by the lake, so it, it wouldn't take that long to crush it, cuz it was close to the place where they crush.

FASSBENDER: I think Teresa's startin' be happy with you right now, cuz I think that's the truth. And then what'd you do after you put the car there?

BRENDAN: We started throwing branches and car hood on it.

FASSBENDER: And then what happened? Is this when you saw him do some things to the car?

BRENDAN: Yeah.

FASSBENDER: Tell me what.

BRENDAN: Well he went under the hood and did some stuff, but I didn't see 'em.

FASSBENDER: OK, and what else?

BRENDAN: And he took the license plates off.

FASSBENDER: All right. And then, anything else that he did?

BRENDAN: Not that I know of.

FASSBENDER: OK. And then where did you go from there?

BRENDAN: Then we started walkin' up to the house.

FASSBENDER: mm huh.

BRENDAN: And by the time we got back, it was close to 10:00 o'clock.

FASSBENDER: Right.

BRENDAN: Then I went home and talked to my mom a little bit and went to bed.

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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: Cuz that, that two days after I was over there, he said that he got rid of 'em.

FASSBENDER: And how did he get rid of 'em?

BRENDAN: He burnt 'em.

FASSBENDER: OK. I just got a couple more things here and Mark might ask more also. We talked about 'em ejaculating right? A-an di-did you ever hear it calling coming, when a person comes?

BRENDAN: Yeah.

FASSBENDER: Yeah. Di-wh-when you had sex with TERESA, did you come?

BRENDAN: No.

FASSBENDER: No. Did you have an erection, w-was your, your penis hard?

BRENDAN: Yeah.

FASSBENDER: OK. Did it stay hard? While you were having sex or did it, did it get soft again?

BRENDAN: No.

FASSBENDER: No what?

BRENDAN: It stayed hard.

FASSBENDER: OK. OK. Did you ah, did you see Steven um have sex with Teresa?

BRENDAN: No.

FASSBENDER: For Teresa now, she needs the truth, did you see Steven have sex with her?

BRENDAN: No.

FASSBENDER: No, OK. Now is the time to really get stuff off your chest too. Mark asked if you and Steven ever had sex and you said no, but ah, did Steven ever, let's talk about, you know what masturbating is?

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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: Oh OK. And what did you tell 'em when he did that?
- BRENDAN: I was tryin' ta get rid a, get 'em off me.
- FASSBENDER: Yeah. Did you ever touch his?
- BRENDAN: No.
- FAASSBENDER: Did he ask you to?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: Did he ever show you his?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: You sure?
- BRENDAN: Yes.
- FASSBENDER: Did he ask to see yours?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: Just try ta ah grab yours through your pants a couple times or sometimes?
- BRENDAN: Yeah.
- FASSBENDER: Is that accurate?
- BRENDAN: Yeah.
- FASSBENDER: Did he ever say anything when he was doing that?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: And you told him no, or just tried to get him off you.
- BRENDAN: Just tryin' ta get him off me.

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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: Well one, one time he beat on me.
- FASSBENDER: He did? When was that?
- BRENDAN: Like December somethin'.
- FASSBENDER: After Teresa's, disa-or after you guys killed Teresa? Right? This last December?
- BRENDAN: I think.
- FASSBENDER: What did he do to you?
- BRENDAN: Well ah my, my family was going ta, no wait it couldn't ta been this year, it was last year.
- FASSBENDER: OK. It's good that you're thinkin' like that. And yo-you're being honest.
- BRENDAN: Yeah because ah we had to go ta my step-dad's ah families because we usually wait a group of birthdays to go and then we would go over by someone's house.
- FASSBENDER: Makes sense.
- BRENDAN: And because there was one night in October for me and a group and my family didn't want ta go so when they went for Blaine's and that I didn't wanna go so they were tryin' to get me into the vehicle and then when they, they couldn't, they called Steven and he tried to help but they couldn't do it, so they left me alone and they said they decided that they weren't gonna go, so I stayed outside with my shirt off because they ripped, they pulled it off when they were trying to get me into the je-the suburban. So after that, 'bout ten minutes later, my mom came over, she was lookin' for me and then when she heard a-a noise, she came over by me and she said come in the house and talk to her and tell her why I didn't wanna go and I told her and then after that we went.
- FASSBENDER: What was the reason you didn't wanna go?
- BRENDAN: Cuz I was pissed off at 'em for not makin', to not go to mine.
- FASSBENDER: OK, that makes sense. And when you say Steven beat on you, was it when they were tryin' to get you in the car or was it after 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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FASSBENDER: When-wouldda-would it be fair to say that in your mind, was Steven out of control?

BRENDAN: Yeah.

FASSBENDER: Yeah. He lost his temper, did he look at all anytime the night that you were with Teresa, was he like that at anytime that night?

BRENDAN: No. (shakes head "no")

FASSBENDER: You didn't see him like that that night?

BRENDAN: No. (shakes head "no")

FASSBENDER: Was he calm, most of the night with her, all the night with Teresa?

BRENDAN: What does that mean?

FASSBENDER: Was he relaxed, um

WIEGERT: Easygoing? Or was he more tense, um, agitated, angry?

BRENDAN: Well he was tense.

FAASSBENDER: But he never got 'er, did he ever get to the point where he was real angry or lost his temper?

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

FASSBENDER: Like that day that he hit you?

BRENDAN: No. (shakes head "no")

FASSBENDER: OK. Is there anything else?

BRENDAN: (shakes head "no")

FASSBENDER: Again, yo-you know this pretty much probably is gonna be your last time and, and I think we got Teresa's attention, and by gettin' her attention with what you're sayin', and we got the whole family's attention and they're gonna know if actually this all gonna come out, they're gonna know what you did for her after you did a very, very, very, very, very bad thing to her. But now you're tryin' to make up for that. I truly believe that. So we're gonna

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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: No. (shakes head "no")

WIEGERT: You sure?

BRENDAN: (nods "yes")

WIEGERT: Did he talk about things like that a lot?

BRENDAN: No.

WIEGERT: OK. (shakes head "no")

FASSBENDER: Did you 'um. Wha-what did you all tell Blane about this? Cuz, Blane is, I, I'm, Mark and I have both heard from a previous source that Blane is kinda hurting right now, kinda like you were. Depressed,

WIEGERT: Losing weight.

FASSBENDER: Losing weight, stuff like that, something's bothering him. Ah, man, and we, we, we wanna know was he involved in, ta any amount or degree, cuz then he needs help. Or did you tell him some of these things, that that's bothering him, that he knows in the back of his mind you had told him and, and that's bothering him, that's hurting him? He can't get in trouble for that, per se. He shoulda told us that he knows and he could get, get in some trouble for that but he wasn't involved. Again, that you don't have ta think about that. Did you, did you tell Blaine some things? Cuz, we want ta number one try and get him some help.

BRENDAN: No. (shakes head "no")

WIEGERT: Did ya tell anybody? You don't have ta think about that either. Did ya tell anybody?

BRENDAN: Just that little bit ta Travis.

WIEGERT: What about ta Kayla.

BRENDAN: Just that one day when I was over there for a birthday party for her, her friend that ah when they were in their room and I was sitting by the door.

WIEGERT: Mm huh.

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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: What about you and Marie? Did you ever have sex before you had it with Teresa?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: It's all right.
- WIEGERT: That was the first time?
- BRENDAN: Mm huh.
- FASSBENDER: Did you ever fool around with a girl? Not sex but just fool around.
- BRENDAN: No.
- WIEGERT: Is there anything on your computer that we should know about? You talk ta anybody about this online?
- BRENDAN: Not really.
- WIEGERT: What do you mean, not really?
- BRENDAN: Well would ask them a question and that.
- WIEGERT: Like what kind of question?
- BRENDAN: Like if they like Steven and that.
- WIEGERT: You would ask people that? Why would you ask people that?
- BRENDAN: Well, I asked Marie that and Travis that.
- WIEGERT: OK.
- FASSBENDER: What was your screen name?
- BRENDAN: fer, what?
- FASSBENDER: MSN for ah chat rooms and stuff. Email type name.
- BRENDAN: Well, some people said that I spelled it wrong, but I think I did after a while.

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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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WIEGERT: You sure I can't get ya something, huh?

BRENDAN: (shakes head "no")

WIEGERT: All right.

(door closes)

WIEGERT: Tom's gonna be back in a second. OK? Um, would you be willing to draw out which route you took with her jeep? Think you could do that? All right. I'll give you this again. We'll just say, you know, you probably wanna draw like Steve's trailer your house, you know, mom and dads, Chuckie's, you know and then like the pits over here and you know which ever route you took. Can you do that?

BRENDAN: Mm huh. (nods "yes")

WIEGERT: All right. It's getting warm in here, isn't it?

BRENDAN: Should I draw a fence?

WIEGERT: Mmm, you don't have ta, yeah, if you want to. Just draw a straight line or whatever. What's that mean.

BRENDAN: Huh?

WIEGERT: What's in that fence?

BRENDAN: That's the um,

WIEGERT:

BRENDAN: Yeah.

WIEGERT: OK.

(door opens and closes)

BRENDAN: Should I draw like trees over here?

WIEGERT: OK, just put an X,

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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: mm mh. (shakes head "no")
- FASSBENDER: He went right alongside the trees there?
- BRENDAN: Mm huh. (nods "yes")
- FASSBENDER: Is there a path there or something?
- BRENDAN: Yeah.
- FASSBENDER: So where's Radandt's pit?
- BRENDAN: Like right over, right here.
- FASSBENDER: Right there.
- WIEGERT: Where was it parked then when you parked it?
- FASSBENDER: The RAV4, right?
- WIEGERT: The jeep, yeah. When you drove it down here, where did you park it?
- BRENDAN: Like right here.
- WIEGERT: OK. Lets put an X there. And which way was it facing?
- BRENDAN: That way.
- FASSBENDER: Do you remember? Do you remember?
- BRENDAN: No. (shakes head "no")
- FASSBENDER: OK. Don't guess then. Just say you don't remember. You don't remember which way it was facing? OK. Remember this, here's Stevens, right? Is that his garage?
- BRENDAN: Mm huh.
- FASSBENDER: If you go out here on the, on the frontage road or the road that comes down, there's that field and we know about that, if you go past that field, do you remember, do you know about a road that goes back in here then there's some huntin' cabins back in here?

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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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BRENDAN: No. (shakes head "no")

FASSBENDER: And you can't remember that?

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

FASSBENDER: Because the-the reason I'm askin' that is if, if Steven were to try and get someone in, into a position he has ultimately got her in, I don't think she's gonna go along with the program. Do you agree with that? So there's probably some physical altercation goin' on. Do you agree with that?

BRENDAN: Mm huh.

FASSBENDER: OK. But you don't recall seeing any of that?

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

FASSBENDER: Is everything at this point in time, you told us the truth as you know it?

BRENDAN: Yeah.

WIEGERT: What is, something real quick. Was she, she was a kinda of a fighter, huh? She would fight a little bit? Anything you wanna say ta Teresa or her family right now since you're being taped?

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

WIEGERT: No? OK.

BRENDAN: Just that I'm sorry.

WIEGERT: OK. That's all I have.

FASSBENDER: Mark mentioned talkin' to your mom about this and being truthful with her now. OK? If you're truly sorry to the Halbachs, you'll be, you'll tell your mother the truth about this. OK?

WIEGERT: Are you gonna do that?

BRENDAN: Yeah.

WIEGERT: When your gonna do that?

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BRENDAN: Tonight.

WIEGERT: OK. Probably be a good idea before we tell her. That be the right thing to do. Your mom deserves ta know. OK?

BRENDAN: Mm huh. (nods "yes")

WIEGERT: All right.

FASSBENDER: All right, Brendan. Thank you.

WIEGERT: We'll get the guard back in ta take you back right in time for lunch. I'll stay here with him

(door open and closes)

WIEGERT: I think we'll leave that door open, it's getting hot in here.

(door opens)

WIEGERT: Get some air in here.

UNRECOGNIZABLE VOICE: All right, thanks.

WIEGERT: Gettin' hot.

FASSBENDER: Huh?

WIEGERT: It's gettin' hot in here.

FASSBENDER: Yeah. You hot? All right? We're not gonna have ta come back again, are we?

BRENDAN: (shakes head "no")

FASSBENDER: All right.

UNRECOGNIZABLE VOICE: We'll be with you shortly.

FASSBENDER and WIEGERT: Thank you, thanks.

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- FASSBENDER: What time do they give you lunch usually up there, Brendan?
- BRENDAN: A little past 11:30.
- FASSBENDER: Oh, I'm sure they saved ya right? I imagine.
- WIEGERT: with your mom too. OK? Tell her exactly what you told us.
- FASSBENDER: So that she can quit blaming us for everything, all right?
- WIEGERT: Cuz, once she sees the tape, she's gonna know anyway.
- FASSBENDER: And just like I told ya with your attorneys that's, that's the only way she can help you too, is if she knows the truth and that she knows what type of help ta try and get you.
- BRENDAN: At first my mom was really pissed off at my attorney.
- FASSBENDER: Really, why is that?
- BRENDAN: Cuz, like four weeks ago I called him and left a, an, um answering machine, a message on his answering machine but he never did what I told him to cuz I was giving him permission ta talk to my mom about what he's gonna be doing and that.
- FASSBENDER: OK. Is that better? I mean the attorney talks to ya now doesn't he and stuff?
- BRENDAN: He talks ta me but he don't talk ta my mom.
- WIEGERT: Have you told him that he can tell your mom stuff.
- BRENDAN: Not, I just left that message on his answering machine.
- WIEGERT: OK. If you want your mom to know, your gonna have ta tell him that.
- FASSBENDER: Tell him directly, don't leave messages. OK?
- BRENDAN: Mm huh. (nods "yes")

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FASSBENDER: Cuz, he is your attorney. Not your mom's. 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