

GUEST COLUMN

## Mitch Henck: Hard to believe Steven Avery didn't do it

January 31, 2016

"Have you seen it yet?"

My son wanted to know if I watched "Making a Murderer." It is the red hot Netflix documentary about the Steven Avery case.

That's right. He is the Manitowoc County man who served 18 years for a 1985 rape he didn't commit. The documentary really sucks you in and makes you mad as the Manitowoc County Sheriff's Department botched the case. The prosecution nailed Avery because rape victim Penny Beernsten testified in court that she was certain the long haired, bearded Avery raped her.

The actual rapist was long haired, bearded Gregory Allen. They did bear a striking resemblance. Still, investigators were not much interested in pursuing other suspects or in checking out a stunning phone call 10 years before the Wisconsin Innocence Project found DNA evidence that cleared Avery of the crime.

That phone call from Brown County law enforcement informed Manitowoc County Sgt. Andrew Colborn that his department might have arrested the wrong man. That's because an inmate in Brown County stated he raped a woman near the beach in Manitowoc at the same time.

The phone call was conveyed to Manitowoc County Lt. James Lenk, but nothing was done. After Avery was released years later, Sgt. Colborn mentioned the phone call in a report.

Evil? No, just sloppy. That prompted the newly freed Avery to launch a \$36 million civil suit against Manitowoc County.

Here is where it gets really weird. While the civil suit is underway, 25-year-old Teresa Halbach is raped, murdered and mutilated by, you guessed it, Steven Avery. In fact, Avery was convicted of the crime with his 16-year-old nephew Brendan Dassey. The boy also received a life sentence for taking part in the rape.

Enter the documentary "Making a Murderer." The viewer is led to believe Avery and the boy were framed by the Manitowoc County Sheriff's Department. Why? Because the county was trying to avoid a \$36 million judgment.

No. Doubt is not the same as reasonable doubt. Avery called Halbach three times the day she died. Twice he hit star-67 on the phone to block caller ID.

Halbach had been to the Avery Salvage Yard previously to photograph pictures of Avery's sister's van. According to the receptionist at Auto Trader magazine, Halbach said Avery once greeted her at the door while wearing only a towel.

Halbach's Toyota Rav-4 was found on the edge of the Avery property. Avery's blood and sweat were found in the vehicle. Halbach's charred bones were found in Avery's burn pit. A bullet with Halbach's DNA was found in Avery's garage. And 16-year-old nephew Brendan Dassey described the whole bloody ordeal in a four-hour confession.

The documentary leaves out the fact Avery burned a cat alive as a young man. He also masturbated in front of his female cousin.

His conviction on that was blamed in the documentary on the fact the cousin was married to a sheriff's deputy.

Conspiracy theorists believe the cognitively challenged Dassey was tricked by police and that the boy was fantasizing about the novel "Kiss the Girls." Reading at a fourth-grade level, could he retain a 464-page novel that well?

Also, it is suggested police planted Avery's DNA at the crime scene and placed Halbach's keys on the floor after several searches of Avery's home had failed to turn up any keys. Police say the keys fell out of a cabinet after it was aggressively shaken.

Dan O'Donnell covered the case for WISN-AM (1130), Milwaukee and has produced a series of podcasts debunking "Making a Murderer."

"A conspiracy would have required Lt. Lenk and Sgt Colborn to either kill Halbach themselves or let the real killer go," O'Donnell says. "Then they would have had to burn her body and drop the remains on Avery's property with no one else seeing them."

O'Donnell also points out that Lenk and Colborn were only witnesses in the civil case against the county. "They were not facing any financial loss, so what was the motive?"

That is unreasonable doubt -- even in Manitowoc County.

*Mitch is a Madison, Wisconsin based commentator, broadcaster and standup comic.  
The Mitch Henck Show is broadcast live 8-11a.m. Monday-Friday at [www.mitchhenck.com](http://www.mitchhenck.com).  
Contact Mitch at: [mitch@mitchhenck.com](mailto:mitch@mitchhenck.com)*