

## **Frequently Asked Questions about the Steven Avery and Brendan Dassey Cases and the Netflix Documentary, *Making a Murderer***

### **What role did the Wisconsin Innocence Project (WIP) play in producing the film?**

None, other than agreeing to a single interview in late 2005 or early 2006 of WIP co-director Keith Findley. The independent filmmakers asked for no other involvement than that.

### **What role did WIP play in exonerating Steven Avery in the 1985 attempted rape and attempted murder case, for which he served 18 years before DNA proved his innocence?**

WIP represented Avery in that case and obtained the DNA testing that proved his innocence and identified convicted sex offender Gregory Allen as the true perpetrator. For a description of that case from the perspective of Penny Beerntsen, the victim of that crime, see [“Penny Beerntsen, the Rape Victim in ‘Making A Murderer,’ Speaks Out.”](https://www.themarshallproject.org/2016/01/05/penny-beernten-the-rape-victim-in-making-a-murderer-speaks-out#.wem3FlkE8) <https://www.themarshallproject.org/2016/01/05/penny-beernten-the-rape-victim-in-making-a-murderer-speaks-out#.wem3FlkE8>.

**Did WIP take down Steven Avery’s case from its website after the Halbach murder, and if so, why?** After Teresa Halbach’s murder, WIP initially kept Steven Avery’s case on its website because there is no question that he was absolutely innocent of the 1985 crime, we wanted to present an honest accounting of the facts, and we wanted to respect the presumption of innocence to which Avery was entitled in the Halbach murder. Over time, the website became the focus for angry complaints that it was adding insult to the Halbach family’s very tragic loss, and the site was generating considerable anger directed toward Avery. Out of respect for the Halbach family, and in hopes of cooling public passions, we decided to remove, temporarily, not just the Avery case description, but descriptions of all of our clients and cases, from our website. We removed all of our cases so that we would not be singling out Avery for any special judgment. After passions subsided, we returned all of our cases to our website, including Avery’s, where they have been posted for years now.

### **What role has WIP played in Steven Avery’s case since his exoneration from the 1985 wrongful conviction?**

WIP did not represent either Steven Avery or Brendan Dassey in their trials for Teresa Halbach’s murder because WIP is not a trial project; WIP instead only works on cases after defendants have been initially convicted, when they no longer have a right to appointed counsel. We did, however, help to ensure that both Steven Avery and (eventually) Brendan Dassey had good lawyers. Today, Brendan Dassey is being represented in ongoing litigation by the Center on Wrongful Convictions of Youth at Northwestern University in Chicago. That Center, while independent of WIP, is a member organization of the [Innocence Network](#) and a sister project to WIP. It employs some of the finest lawyers in the nation who specialize in juvenile wrongful convictions and false confessions.

As the film depicts, WIP did respond to a post-conviction request for assistance from Avery by telling him we could not help him at that time. Attorney-client confidentiality rules prohibit us from revealing the reasons for that decision, or the nature of our communications with him. In general, the criteria we use in selecting cases include factors such as the very limited nature of our resources, the high demand for our assistance from many individuals with compelling claims of actual innocence, the long waiting list that we have for our services, the availability of other counsel for the individual, and the potential to develop new evidence of actual innocence that was not previously available or not

previously considered by any court. For a fuller list of our case-selection criteria, see the Information Sheet posted on our website at [www.wisconsininnocenceproject.org](http://www.wisconsininnocenceproject.org). Because new evidence is a primary factor in our case selection process, we are always open to reconsidering any case if it appears new evidence has become available. In Avery's case, we understand that he is currently represented by Attorneys Kathleen Zellner and Tricia Bushnell and therefore, WIP will not further review the case.

**Is Steven Avery's case unique?** Avery's journey through the criminal justice system is a troubling one and deserves serious scrutiny. While most involved in law enforcement are ethical and well-intentioned, unfortunately, his case is not alone. Many cases in our files present compelling cases of injustice and wrongful conviction. Correcting these injustices is typically a long process, often requiring years of investigation and litigation before resolution, and many never lead to exoneration. Regardless of the merits of Avery's claims, the documentary's focus on this one case highlights flaws in the criminal justice system that recur and that must be addressed, both to rectify individual injustices and to improve the criminal justice system so that it is less prone to error. Learn more about the causes of wrongful convictions [here](#).

**What can I do to help?** Many people have asked how they can support Steven Avery and Brendan Dassey. We caution against sending money to crowdfunding sites, because we have no way of ensuring that they are legitimate and that the funds will go where the donors intend them to go. Attorneys are working with the Avery and Dassey families to set up funds or trusts that will be controlled by the families, so that we can be sure they are going to their proper purposes. Once these funds are established, we will post a notice about where to make donations to those funds.

Steven Avery has now retained Attorney Kathleen Zellner of Downers Grove, IL, to represent him in future proceedings. Tricia Bushnell, a former staff attorney with the Wisconsin Innocence Project who is now Legal Director at the Midwest Innocence Project in Kansas City, has agreed to act as local counsel on the case. Attorney Zellner asked Ms. Bushnell to be local counsel because she had a pre-existing working relationship with Ms. Bushnell and she is licensed to practice law in Wisconsin. Attorney Zellner has established a legal defense fund for Mr. Avery. To donate to this fund, you can make checks out to the Steven Avery Legal Defense Fund and mail them to:

Kathleen T. Zellner & Associates, P.C.  
1901 Butterfield Road, Suite 650  
Downers Grove, IL 60515

If you want to donate to support the defense team representing Brendan Dassey, tax-deductible donations to the Center on Wrongful Convictions of Youth can be made at the Center's website at [www.cwcy.org](http://www.cwcy.org).

On a broader scale, if you want to help respond to wrongful convictions and help us reform the criminal justice system to make it more reliable, we encourage you to make a donation to the Wisconsin Innocence Project, the Center on Wrongful Convictions of Youth, the Midwest Innocence Project, or any of the other innocence advocacy organizations that comprise the [Innocence Network](#), so that we can continue our work on cases like this. Tax-deductible donations to WIP can be made by visiting our website [here](#) or by going to [www.wisconsininnocenceproject.org](http://www.wisconsininnocenceproject.org) and clicking on the "Make a Donation" button. Alternatively, you can send a check made out to the Wisconsin Innocence Project,

University of Wisconsin Law School, 975 Bascom Mall, Madison, WI 53706. As noted, tax-deductible donations to the Center on Wrongful Convictions of Youth can be made at the Center's website at [www.cwcy.org](http://www.cwcy.org). Tax-deductible donations to the Midwest Innocence Project can be made at the Project's website [here](#) or at <http://themip.org/>. For a list of other innocence organizations around the country and the world, go to the [Innocence Network's](#) website. Any of these organizations would appreciate your interest and support.