

Aug 11, 2019

Making a Murderer — Judge Angela Sutkiewicz Covered for Corrupt DoJ Attys, Thoman Fallon and Norman Gahn



Wisconsin's Evidence Preservation statute is a focus of Steven Avery wrongful conviction litigation.

Updated - A judicial ruling last week is widely misrepresented as 'Avery loses right to appeal.' Wrong.

The circuit court stop was a necessary procedural step in which the case was heard in front of the corrupt Judge Angela Sutkiewicz. Now, the case will be appealed to state appellate court, as Steven Avery's legal team indicated last Spring, the same appellate court that granted Avery's request to remand the case to circuit court. The question facing Avery was how long Sutkiewicz was going to take to issue her corrupt decision and order.

Sutkiewicz works backwards. Judicial result first, then draft an order and opinion to support the position of corrupt Wisconsin law enforcement.

Wisconsin police did not frame Steveny Avery in a vacuum. Law enforcement did so in a terrain in which police misconduct and criminality are protected in the state judiciary.

See April 21, 2019, for example:

The prosecution led by Attorney General Joshua Kaul (D) is employing the legal services of corrupt state attorneys including Mark Williams, Asst Attorney General and Special Prosecutor Thomas J. Fallon, and Special Prosecutor Norman Gahn.

Madison, Wisconsin — A ruling handed down in early August in Manitowoc County Circuit Court is an adverse ruling for Steven Avery, the protagonist in Wisconsin's Making a Murderer post-conviction litigation.

The ruling was widely expected. The Aug 8 decision and order in online here.

This case will be decided in appellate court.

Judge Angela W. Sutkiewicz again failed to schedule any proceedings though Sutkiewicz was ordered in a Feb 25, 2019 state appellate court ruling to "conduct any proceedings necessary to address the claims raised in the supplemental postconviction motion"

Attorney Kathleen Zellner file an explosive motion Jan 24, 2019 seeking a hearing because the Calumet County Sheriff's Office secretly transferred evidence, the remains of a murder victim, Teresa Halbach, to private custody in 2011, in violation of state statutes that govern preservation of physical evidence collected, subject to criminal investigations, (Avery Legal Filings).

"[T]he State, in its response to Mr. Avery's motion, makes no effort to deny the due process violations Mr. Avery alleges, i.e., that the State concealed a police report, failed to give statutorily-mandated notice to Mr. Avery and his attorneys of its intent to destroy biological evidence, then facilitated the destruction of the same evidence. The State should not now reap the benefit of its past statutory and due process violations. Such an outcome would contravene the sense of basic fairness inherent in our justice system.," writes Zellner in a Feb 1 legal filing.

Judge Sutkiewicz divined that the State destruction of evidence accomplished by a conspiracy that includes two of the DoJ attorneys now defending the conviction in post-conviction litigation was done in good faith.

Sutkiewicz also determined what the state purported to be a murder victim's remains was not scientifically established as a murder victim's remains, hence the State may secretly destroy the evidence, and the defendant has no recourse.

The State previously suggested to the Court in its Dec. 28, 2018 filing that Avery and Zellner drop their appeal without the State ever having "admitted or disclosed that it had given the bones back to the Halbach family in 2011 without notice to Mr. Avery or his counsel," notes Zellner in her Feb. 1 legal filing.

In other words, law enforcement may hide evidence it claims is a murder victim, destroy this evidence, hide the destruction, then claim the evidence cannot be determined to be exculpatory.

Good enough for Judge Sutkiewicz who acknowledges what Zellner uncovered.

Writes Sutkiewicz: "The report of Deputy [Jeremy] Hawkins indicates that he, Sergeant Investigator Mark Wiegert, Attorney Thoman Fallon and Attorney Norman Gahn removed materials stored in evidence, and released them to the Halbach family," (p 2).


Can you imagine if Fallon and Gahn had to explain themselves as witnesses in open court, had Sutkiewicz held proceedings to determine the status of claims of potential exculpatory value of the remains that law enforcement illegally destroyed? How about an examination of Fallon and Gahn's motives to determine good faith?

Wisconsin Attorney General Joshua Kaul continues to allow these two DoJ attorneys who disregarded Wisconsin's Evidence Preservation statute to argue this post-conviction case, though their conduct is suspect and worthy of a criminal investigation in itself.

Judge Angela W. Sutkiewicz covered for Thoman Fallon and Norman Gahn, who along with a host of Wisconsin law enforcement are a criminal element.

In the coming weeks, the Wisconsin population may learn what a Brady motion violation is, and why the state's Brady violations should also result in vacating this wrongful conviction.

Further, as the Wisconsin DoJ and local law enforcement are incapable of policing themselves, surely a FBI probe is needed here in Wisconsin.

Posted by MAL at 12:35:00 PM 

Email ThisBlogThis!Share to TwitterShare to FacebookShare to Pinterest

Labels: Angela W. Sutkiewicz, Brady Violations, Criminal Justice Law Enforcement, Joshua Kaul, Kathleen Zellner, Manitowoc County, Mark Williams, Norman Gahn, Steven Avery, Thomas Fallon