



THANKS TO A RARE LEGAL RULING, THE SUBJECT OF THE SHOCKING DOCUSERIES MAKING A MURDERER MAY FINALLY BE RELEASED FROM PRISON.

OR 11 years, Steven Avery has been languishing behind bars in Wisconsin's Waupun penitentiary, serving a life sentence with no chance of parole. But for millions of viewers transfixed by Making a Murderer, the controversial Netflix docuseries that suggests Avery was framed for the brutal 2005 killing of photographer Teresa Halbach, he is indeed an innocent man who should walk free.

Now, in an unprecedented turn of events, Avery, 54, may be able to do just that. On Nov. 14, U.S. Magistrate Judge William Duffin ordered the release from prison of Avery's nephew, **Brendan Dassey**, 27, who had admitted to helping

his uncle kill Halbach. The judge had earlier overturned his murder conviction, saying that investigators had coerced Dassey, who has an IQ of 73, into making a false confession. His release was blocked, however, by an appeals court after the state's Department of Justice argued Dassey should remain behind bars while his appeal is resolved. "Steven might be able to leverage the judge's decision to his own advantage," Alexandra Kazarian, a prominent L.A. criminal defense attorney, tells Star. "His lawyers could argue that the officers' conduct with Brendan should make the court reconsider their possible culpability in planting evidence that was used against him."

PRESUMED GUILTY

Before Halbach's murder, Avery already had a string of convictions for animal cruelty, burglary and possession of a firearm. In 1985, the 22-year-old, who ran a salvage yard owned by his family near Mishicot, Wisc., was arrested after a woman named Penny Beerntsen identified him from a police photo lineup as the man who brutally attacked and sexually assaulted her while she was jogging on a beach along Lake Michigan. Although Avery, a married father of four, was 45 miles away in Green Bay at the time of the attack — an alibi supported by a time-stamped store receipt and 16 eyewitnesses - he was charged and convicted of rape and attempted murder and sentenced to 32 years in prison.

Avery served 18 years before he was exonerated through DNA testing. After his release in 2003 — by that time his wife,

Lori Mathiesen, had divorced him, and he had become estranged from his family Avery filed a \$36 million civil suit for wrongful conviction.

Two years later, he was charged with Halbach's murder after her Toyota RAV4 was found partially hidden in his salvage vard and police discovered her charred bone fragments in a burn pit near his home. Avery's attorneys insisted he had been framed - possibly in an attempt to thwart his lawsuit, which was still pending - and accused police of planting and tampering with evidence during repeated searches of Avery's home and garage, where they claim Halbach was killed. But his fate seemed to be sealed after Dassey, then 16, confessed, even though he later recanted and refused to testify against Avery at his trial in 2007.

CLEARING HIS NAME

Avery, who said he was "so happy" when he learned that his nephew's conviction had been overturned, may have a long fight ahead of him. His attorney, Kathleen Zellner, who has 17 exonerations under her belt, filed a motion in August to obtain key evidence, including bloodstains identified as Avery's found in Halbach's car; she insists that advanced forensics tests will verify they were planted. "If she can prove that, there will either be a retrial or a flat-out exoneration," says Kazarian. "Either way, that would mean justice at last for Steven, and possibly the end of a long nightmare for him."*

WHO MURDERED TERESA HALBACH?



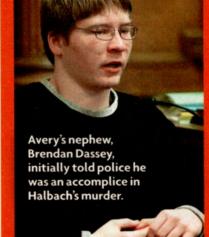
Teresa Halbach

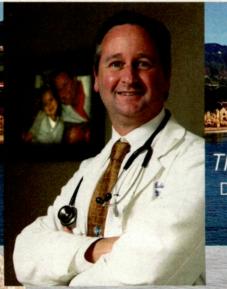
Halbach's car was found on Avery's property, and bloodstains recovered from the interior matched his

> The case against Steven Avery in Teresa Halbach's killing was partially based on testimony from his nephew Brendan Dassey, who told police he helped Avery kill Halbach — who is believed to have met with Avery about a car he was selling on the day of her disappearance in October 2005 — and dispose of the body. But Dassey recanted and did not testify at Avery's trial. Prosecutors also presented physical evidence, the most damning of which was Halbach's SUV, which was found hidden under debris in Avery's salvage vard. But his attorney, Kathleen Zellner, claims cellphone tower records will verify that Halbach left Avery's property alive. She also insists that new forensics tests will prove that bloodstains found in Halbach's car came from a vial of Avery's blood held in the county clerk's office - which would

suggest police planted it and would likely,

at the very least, force a retrial.





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