

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

BRENDAN DASSEY,)	
)	
)	
Petitioner,)	
)	
v.)	No. 14-CV-1310
)	
MICHAEL A. DITTMANN, Warden,)	The Honorable Magistrate Judge
Columbia Correctional Institution,)	William E. Duffin, Presiding
)	
Respondent.)	

MOTION FOR RELEASE ON PERSONAL RECOGNIZANCE

Petitioner Brendan Dassey, by his undersigned attorneys, moves for release on personal recognizance or on reasonable and affordable surety during the pendency of the Respondent’s appeal, pursuant to Federal Rule of Appellate Procedure 23(c) and *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987), for the following reasons:

- 1. On October 20, 2014, Petitioner Brendan Dassey filed a petition for a writ of habeas corpus. (ECF No. 1.) On August 12, 2016, this Court granted Dassey’s petition, ordering the Respondent either to release him or initiate retrial within 90 days. (ECF No. 23.) On September 9, 2016, the Respondent filed a Notice of Appeal, thereby triggering a stay of the judgment till the conclusion of the appeal. (ECF No. 25.)
- 2. Petitioner Dassey has been held in custody since March 31, 2006 – when he was sixteen years old – based on a confession that this Court has found involuntary and about whose reliability it harbors “significant doubts.” (ECF No. 23 at 72.) The Court has noted that

this confession “was, as a practical matter, the entirety of the case against him.” (ECF No. 23 at 89.)

3. For the reasons articulated in the accompanying Memorandum, and pursuant to Federal Rule of Appellate Procedure 23(c) and *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987), Dassey respectfully requests that this Court order his release on personal recognizance or, in the alternative, upon submission of a reasonable and affordable surety during the pendency of the Respondent’s appeal.

Respectfully submitted this 14th day of September, 2016.

s/Laura H. Nirider
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Respondent.)	

**MEMORANDUM IN SUPPORT OF
MOTION FOR RELEASE ON PERSONAL RECOGNIZANCE**

The instant Memorandum is filed in support of Petitioner Brendan Dassey’s Motion for Release on Personal Recognizance pursuant to Federal Rule of Appellate Procedure 23(c) and *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

INTRODUCTION

1. On October 20, 2014, Petitioner Brendan Dassey filed a petition for a writ of habeas corpus. (ECF No. 1.)
2. On August 12, 2016, after being fully briefed, this Court granted Petitioner’s petition for a writ of habeas corpus. (ECF No. 23.) It ordered the Respondent to release Petitioner from custody unless, within 90 days of the date of the decision, the State initiated proceedings to retry him. (ECF No. 23 at 90.) It also ordered, *sua sponte*, that “in the event the respondent files a timely notice of appeal, the judgment will be stayed pending disposition of that appeal.” (ECF No. 23 at 91.)

3. On September 9, 2016, the Respondent filed a Notice of Appeal, thereby triggering a stay of the judgment till the conclusion of the appeal. (ECF No. 25.)
4. Petitioner Dassey has been held in custody since March 31, 2006 – when he was sixteen years old – for a conviction that this Court has now overturned. That conviction was based on a videotaped confession that this Court has deemed involuntary and about whose reliability the Court harbors “significant doubts.” (ECF No. 23 at 72.) As this Court has noted, that confession “was, as a practical matter, the entirety of the case against him.” (ECF No. 23 at 89.) Petitioner Dassey is now twenty-six years old.
5. Petitioner hereby requests release on personal recognizance or, in the alternative, upon submission of a reasonable surety. *See Harris v. Thompson*, 2013 U.S. App. LEXIS 16715 at *6-7 (7th Cir. Feb. 20, 2013) (granting a successful habeas appellant release on recognizance in murder case after concluding, in a separate opinion reported at 698 F.3d 609 (7th Cir. 2012), that her right to present a complete defense had been impermissibly abridged and noting that “Harris’ confession is essentially the only evidence against her, and there are many reasons to question it”) (attached hereto as Pet. Ex. 1); *Newman v. Harrington*, 917 F.Supp.2d 765 (N.D. Ill. 2013) (granting a successful habeas petitioner release on recognizance in murder case after concluding that his attorney rendered ineffective assistance of counsel by failing to challenge fitness to stand trial).

LEGAL STANDARD

6. Whether to grant a successful habeas petitioner’s motion for release on bond is controlled by Federal Rule of Appellate Procedure 23(c) and the U.S. Supreme Court’s decision in *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). Rule 23(c) states that “[w]hile a decision ordering the release of a prisoner is under review, the prisoner *must*—unless the court or

judge rendering the decision, or the court of appeals, or the Supreme Court, or a judge or justice of either court orders otherwise—be released on personal recognizance, with or without surety.” Fed. R. App. Proc. 23(c) (emphasis added). Rule 23(c) therefore creates a presumption of release pending appeal when a petitioner has been granted habeas relief. *Hilton*, 481 U.S. at 774.

7. *Hilton*, on the other hand, addresses two commonly intertwined issues that arise upon a State’s appeal of a grant of habeas relief: the availability of a stay and the availability of release on bond. In particular, *Hilton* set forth four factors that regulate both these issues, including (1) whether the stay applicant has made a strong showing that it is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of a stay will substantially injure the other parties in the proceeding; and (4) where the public interest lies. *Hilton*, 481 U.S. at 776; *O’Brien v. O’Laughlin*, 557 U.S. 1301 (2009) (Breyer, J., in chambers). Petitioner Dassey acknowledges that the Court has already determined that its ruling shall be stayed pending the disposition of Respondent’s appeal; therefore, this motion will apply these factors only to Petitioner’s instant request for release on personal recognizance. (ECF No. 23 at 91.)
8. Under *Hilton*, the presumption of release set forth in Rule 23(c) can only be overcome if these factors weigh in favor of continued incarceration pending appeal. The *Hilton* Court summarized how to weigh whether these factors rebut Rule 23’s presumption of release as follows: “Where the State establishes that it has a strong likelihood of success on appeal, or where, failing that, it can nonetheless demonstrate a substantial case on the merits, continued custody is permissible if the second and fourth factors in the traditional stay analysis militate against release.” *Hilton*, 481 U.S. at 778. Among the matters that a

court should consider are the possibility of the petitioner's flight; any showing by the respondent of a risk that the petitioner will pose a danger to the public if released; and the state's interest in continuing custody and rehabilitation pending a final determination of the case on appeal. *Id.* at 777.

ARGUMENT

9. The Respondent has demonstrated neither a strong likelihood of success on appeal nor a substantial case on the merits. In granting habeas relief, the Court concluded that Petitioner's March 1, 2006 confession was involuntary under the Fifth and Fourteenth Amendments; that the state court's decision to the contrary was based on an unreasonable finding of fact; and that the state court's decision to the contrary constituted an unreasonable application of federal law. (ECF No. 23 at 90.) This Court's ninety-one-page opinion is grounded in a meticulous understanding of the facts and evidence as it unfurled at every level of this case. Its opinion is consistent, moreover, with the controlling decisions of the United States Supreme Court and the United States Court of Appeals for the Seventh Circuit, including a number of post-AEDPA cases addressing a confession's voluntariness which are cited throughout the opinion. The opinion is also grounded in leading studies and research – all of which had been previously introduced into the record during state-court proceedings – showing not only that false confessions are proven to occur, but that juveniles are particularly likely to make false confessions. (ECF No. 23 at 68-69.) Indeed, one study that the Court cited has been similarly cited by the U.S. Supreme Court as an authority on false confessions on two separate occasions. (ECF No. 23 at 68 (citing Steven A. Drizin & Richard A. Leo, *The Problem of False Confessions in the Post-DNA World*, 82 N.C. L. Rev. 891, 933-43 (2004))); *Corley v.*

United States, 556 U.S. 303, 320-21 (2009) (citing same); *J.D.B. v. North Carolina*, 564 U.S. 261, 269 (2011) (citing same).

10. This Court further made clear that its decision was reached with a full understanding of the infrequency with which habeas relief is granted, noting that “[t]he present decision is made in full appreciation of the limited nature of the habeas remedy under AEDPA and mindful of the principles of comity and federalism that restrain federal intervention in this arena.” (ECF No. 23 at 88.) Nonetheless, it rightly concluded that the instant case is “extraordinary” and “the sort of extreme malfunction in the state criminal justice system that federal habeas corpus relief exists to correct.” (ECF No. 23 at 88 (internal citations omitted).)
11. In short: The Court’s factual analysis was thorough and accurate; its legal framework was proper; and its decision was reached with full awareness of the exacting standard for habeas relief. The Respondent now faces an uphill battle during its appeal. The first *Hilton* factor, therefore, weighs in favor of release.¹ *Hilton*, 481 U.S. at 778; *Lair v. Bullock*, 697 F.3d 1200, 1204 (9th Cir. 2012) (to show a “substantial case on the merits,” an applicant must show more than “a mere possibility” of success on appeal).
12. Petitioner now turns to the second and fourth *Hilton* factors: whether the applicant will be irreparably injured absent a stay, and where the public interest lies. *Hilton*, 481 U.S. at 778 (“Where the State establishes that it has a strong likelihood of success on appeal, or where, failing that, it can nonetheless demonstrate a substantial case on the merits,

¹ Petitioner notes that the Court granted a stay of judgment *sua sponte* without argument from the parties (ECF No. 23 at 91); but such a grant does not automatically translate into a finding that the State has shown that it is likely to succeed upon appeal.

continued custody is permissible if the second and fourth factors in the traditional stay analysis militate against release”).

13. To begin with the second *Hilton* factor: The injury inflicted on Brendan Dassey by further detention – the continuing loss of the basic liberty enjoyed as a matter of right by every citizen of this country – is irreparable. “[E]very day Petitioner spends in prison compounds the substantial harm that he has suffered on account of imprisonment based upon an unconstitutional conviction.” *Newman*, 917 F.Supp.2d at 789. Indeed, “maintaining the status quo” pending appeal only “increases the length of time [Petitioner] spends in prison on an unconstitutional conviction...Any harm to the State pales in comparison.” *Harris*, 2013 U.S. App. LEXIS 16715 at *5. As then-District Judge Williams wrote in addressing similar circumstances:

It would be intolerable that a custodian adjudged to be at fault, placed by the judgment of the court in the position of a wrongdoer, should automatically, by a mere notice of appeal prolong the term of imprisonment, and frustrate the operation of the historic writ of liberty. * * * * The great purpose of the writ of habeas corpus is the immediate delivery of the party deprived of personal liberty. Certain it is, at least, that the writ may not be thwarted at the pleasure of the jailer. * * * * Little would be left of this, the greatest of all writs * * * * if a jailer were permitted to retain the body of his prisoner during all the weary processes of an appeal.

U.S. ex rel. Cross v. DeRobertis, 1986 WL 12590, at *3 (N.D. Ill. Nov. 3, 1986) (quoting Justice Cardozo’s opinion in *People ex rel. Sabatino v. Jennings*, 158 N.E. 613 (C.A.N.Y. 1927) (internal quotations omitted)).

14. As for the fourth *Hilton* factor: the public interest lies with Brendan Dassey’s release. “The public has a significant interest in ensuring that individuals are not imprisoned in violation of the Constitution.” *Newman*, 917 F.Supp.2d at 789. Anticipating a response

from the State that invokes the seriousness of the alleged offense, Petitioner notes that following its review of the record, this Court developed “significant doubts as to the reliability of Dassey’s confession.” (ECF No. 23 at 72.) In light of this Court’s well-justified doubts, responsibility for the Halbach murder can no longer be placed on the shoulders of Brendan Dassey. He is not the person who belongs in prison for this crime. *See Harris*, 2013 U.S. App. LEXIS 16715 at *6-7 (U.S. Court of Appeals for the Seventh Circuit granting successful habeas petitioner’s bond under Rule 23(c) because, in part, “Harris’ confession is essentially the only evidence against her, and there are many reasons to question it”). Indeed, “[i]f the mere fact of having been convicted in the case to which a habeas corpus petition is directed was enough to overcome Rule 23(c)’s presumption of release, the presumption would be meaningless.” *Hampton v. Leibach*, 2001 U.S. Dist. LEXIS 20983 at *5 (N.D. Ill. Dec. 18, 2001).

15. Like the petitioners in *Newman* and *Hampton*, Brendan Dassey had no criminal record prior to his arrest in the case at issue. *Newman*, 917 F.Supp.2d at 790; *Hampton*, 2001 U.S. Dist. LEXIS 20983 at *5 (noting that the petitioner had no criminal history, not even an arrest, other than the charges that were the subject of the habeas corpus petition). Neither can a plausible case can be made that Brendan Dassey poses a current risk, nearly eleven years after the events at issue. *McCandless v. Vaughn*, 1999 WL 1197468, at *2 (E.D. Pa. Dec. 14, 1999) (finding no current danger resulting from defective seventeen-year-old murder conviction). Instead, Petitioner Dassey’s prison records reveal that during the entirety of his nearly ten-year stay in the Wisconsin Department of Corrections, he has acquired disciplinary infractions on only two occasions: the first for obtaining five packets of ramen noodle soup from his “next door neighbor” because, in

Dassey's words, "I was hungry"; and the second for possessing "contraband" items including a checkerboard that had been repaired with Scotch tape and for using a prison form to keep score. (Pet. Ex. 2 (complete copy of Dassey's Wisconsin Department of Corrections conduct reports).) He has never attempted escape, assaulted anyone, or possessed any weapons in the facility.

16. Petitioner Dassey's prison files reflect a gentle man who, according to a 2010 prison report, always "works in a cooperative manner with staff and other offenders" and "displays responsible behavior" at school. (Pet. Ex. 3 (Dassey's Offender Performance Evaluation).) He spends his days reading, engaging in correspondence with family and friends, listening to the radio, watching television, and – recently – attempting to learn how to crochet a blanket.
17. It is extraordinarily unlikely that Petitioner Dassey poses a flight risk. He has neither a driver's license nor a passport. His entire family – his immediate and extended family on both the maternal and paternal sides – resides in the Two Rivers-Manitowoc area. They are not people of significant financial means, as exemplified by the fact that Petitioner qualified for representation by a public defender at the time of his trial. The feasibility of flight is further undercut by Petitioner's cognitive limitations, which this Court has noted on previous occasions. (ECF No. 23 at 77.) Such a petitioner cannot reasonably be considered a flight risk. *See Newman*, 917 F.Supp.2d at 790 (concluding that 28-year-old successful habeas petitioner who had been incarcerated since age 16 was not a flight risk because his entire family lived in the area, he had cognitive limitations, and his family did not have significant financial means). Indeed, as a subject of the high-profile

Netflix documentary *Making a Murderer*, Petitioner is highly recognizable and would be unable to successfully go into hiding.

SUMMARY OF RELEASE PLAN

18. In conjunction with Petitioner and his family, undersigned counsel has developed a release plan for Mr. Dassey designed to support his successful reintegration back into society. In particular, undersigned counsel has initiated an ongoing relationship between Brendan Dassey and Bluhm Legal Clinic licensed clinical social worker Katarzyna Majerczak. Ms. Majerczak specializes in working with individuals – including many with intellectual limitations – who have been released from prison to manage their successful transition to the free world. In her role as social worker, she regularly helps such individuals identify and obtain suitable housing options, therapeutic and educational services, and employment prospects that are appropriate for that client’s ability, interests, and skill set. Ms. Majerczak typically remains closely involved with each client for months and often even years.
19. Together with undersigned counsel, Ms. Majerczak has been in regular contact with Brendan Dassey and several members of his immediate family, including but not limited to his mother Barbara Tadych, his stepfather Scott Tadych, and his father Peter Dassey. She has developed a detailed and concrete proposed plan for Brendan’s potential release, attached hereto as Pet. Ex. 4, that includes residential placement and the identification of supportive local re-entry services like counseling, medical care, and job training.
20. To summarize the proposed release plan: Counsel has identified an arrangement that would allow Petitioner to spend the initial one to three months of his release on bond living in a family-owned trailer with his mother in rural northeast Wisconsin

approximately 100 miles from the City of Manitowoc. By proposing to release Brendan to a private location outside Manitowoc County, counsel seeks to ensure that Petitioner's release would proceed in a way that minimizes disruption for the Manitowoc community, the Halbach family, and Petitioner. Following this period of initial adjustment, counsel proposes that Brendan relocate to a rental apartment in Brown County, Wisconsin, that would be initially paid for by his mother and stepfather. At that time, he would begin participating in educational, vocational, and therapeutic services in the Brown County area as appropriate. Indeed, Brown County has been identified in large part due to the abundance of services offered in that County.

21. If the Court prefers that Brendan be released to a location in Manitowoc County, then his mother and stepfather will happily accept him into their family home, which has an extra bedroom.
22. In order to protect the privacy and safety needs of Brendan and his family, the proposed release plan does not include specific addresses for the proposed release locations. Counsel will immediately provide this information, along with photographs of the proposed release locations' exteriors and interiors, to this Court upon request.
23. Counsel is confident that from the moment of his release, Brendan will receive unwavering support from his immediate family, including his mother, father, stepfather, adult brothers, and his brothers' families. Throughout his time in prison, he has received regular visits from all members of his immediate family, reinforcing a Dassey family bond that remains strong and vital to this day.
24. Ms. Majerczak, too, will remain a fixture in Brendan's life throughout his time on bond – and, should this Court's grant of habeas relief be affirmed, beyond – in order to provide

support, direction, and guidance on a professional level. She has already identified a number of local agencies and programmatic options which will be helpful resources, including the Rent Smart Program in Brown County (which provides individuals with practical education on how to live independently in rental housing), the Wisconsin Department of Workforce Development and Division of Vocational Rehabilitation, and the Wisconsin Job Center. (See Pet. Ex. 4 for a detailed description of the services available through each of these agencies.)

25. Of course, Petitioner Dassey will also abide by any conditions of release that this Court sees fit to impose. See, e.g., *Newman*, 917 F.Supp.2d at 792-93 (setting conditions of release pending appeal for successful habeas petitioner in murder case); *Harris*, 2013 U.S. App. LEXIS 16715 at *9-12 (same). He will be supported in this effort by his family, Ms. Majerczak, and his legal team.

THEREFORE, for the reasons articulated herein, Petitioner Dassey hereby respectfully requests that this Court grant him release on personal recognizance pending the Respondent's appeal.

Respectfully submitted this 14th day of September, 2016.

s/Laura H. Nirider

Counsel for Petitioner Brendan Dassey

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Harris v. Thompson

United States Court of Appeals for the Seventh Circuit

February 13, 2013, Submitted; February 20, 2013, Decided

No. 12-1088

Reporter

2013 U.S. App. LEXIS 16715

NICOLE HARRIS, Petitioner-Appellant, v. , Respondent-Appellee.

Prior History: [*1] Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. No. 1:10-cv-06257. James B. Zagel, Judge.

[Harris v. Thompson, 698 F.3d 609, 2012 U.S. App. LEXIS 21727 \(7th Cir. Ill., 2012\)](#)

Case Summary

Overview

HOLDINGS: [1]-The appellate court recalled the mandate to the district court to grant a prisoner's habeas petition for the limited purpose of resolving the State's renewed motion to stay the mandate and the inmate's motion for release from custody pending disposition of the State's certiorari petition; [2]-Pursuant to *Fed. R. App. P. 23(c)*, the inmate was entitled to be released on reasonable conditions where the State failed to convince the appellate court that there was a reasonable probability that its decision would be reversed, the inmate was not likely to attempt to flee, and there was uncertainty as to whether the State was likely to convict the inmate in a new trial.

Outcome

Inmate released.

Counsel: For NICOLE HARRIS, Petitioner - Appellant: Alison R. Flaum, Attorney, NORTHWESTERN UNIVERSITY SCHOOL OF LAW, Bluhm Legal Clinic, Chicago, IL; Robert R. Stauffer, Attorney, JENNER & BLOCK LLP, Chicago, IL.

SHERYL THOMPSON, Warden, Respondent - Appellee: Erin O'Connell, Attorney, OFFICE OF THE ATTORNEY GENERAL, Chicago, IL.

Judges: Before DANIEL A. MANION, Circuit Judge, MICHAEL S. KANNE, Circuit Judge, DAVID F. HAMILTON, Circuit Judge.

Opinion

ORDER

Last October, we reversed the denial of Nicole Harris's petition for a writ of habeas corpus after concluding that her conviction for murdering her four-year-old son, Jaquari Dancy, should be vacated. [Harris v. Thompson, 698 F.3d 609, 650 \(7th Cir. 2012\)](#). We remanded the case to the district court with instructions to grant a writ of habeas corpus unless the State elects to retry Harris within 120 days after issuance of the mandate. Then, in December, this court denied a motion by respondent Sheryl Thompson (the State) to stay the mandate because the State had failed to show that there is a reasonable probability that [*2] the Supreme Court will grant review of and reverse this court's decision, or that issuance of the mandate would cause it irreparable harm. The mandate issued December 3, 2012, and the State filed a petition for writ of certiorari on January 16, 2013.

Harris now asks for release from custody pending disposition of the State's certiorari petition. See *Fed. R. App. P. 23(c)*. The State opposes this request for relief and renews its request for this court to stay the mandate. The State contends that the issues raised in its petition are likely to succeed in the Supreme Court and that, even if it does not prevail in the Supreme Court, it is likely to convict Harris in a new trial. At the outset, the State questions whether we have jurisdiction to grant release, pointing out that the issuance of our mandate generally returns jurisdiction to the district court. See [Kusay v. United States, 62 F.3d 192, 194 \(7th Cir. 1995\)](#). Because we recall the mandate for the limited purpose of resolving these motions, we need not resolve this question today. Supreme Court precedent and the language of *Fed. R. App. P. 23(c)*, however, suggest that we would have jurisdiction to adjudicate the application for [*3] release even if we did not recall the mandate. See [United States ex rel. Cerullo v. Follette, 396 U.S. 1232, 90 S. Ct. 146, 24 L. Ed. 2d 56 \(1969\)](#) (Harlan, J., in chambers) (finding that petitioner's application for release on bond should have been made first to court of appeals although mandate had already issued). Further, for the reasons that follow, we order that Harris be released and that

the State's deadline for electing to retry Harris be extended until 14 days after the Court denies the petition or, if it is granted, 14 days after the Court issues a final opinion.

Rule 23(c) creates "a presumption of release pending appeal where a petitioner has been granted habeas relief." *O'Brien v. O'Laughlin*, 557 U.S. 1301, 1301, 130 S. Ct. 5, 174 L. Ed. 2d 602 (2009) (Breyer, J., in chambers). In evaluating whether the State can overcome this presumption, we evaluate the same factors we weighed in deciding whether to stay the mandate: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits, which, in this context, means that it is reasonably likely that four Justices of [the Supreme Court] will vote to grant the petition for writ of certiorari, and that, if they do so vote, there is a fair prospect that a [*4] majority of the Court will conclude that the decision below was erroneous; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Id.*

Although this court already rejected the State's contention that it is likely to prevail in the Supreme Court in the earlier order denying the motion to stay the mandate, the State contends that the arguments in its certiorari petition are stronger than the arguments it raised in the stay motion. The petition presents two arguments: (1) that this court's decision impermissibly awarded habeas relief based on a new rule of law by applying the balancing test to a compulsory process claim, and (2) that this court failed to defer to a factual determination by the state appellate court that Harris's other son, six-year-old Diante, was sleeping at the time Jaquari died.

We are not convinced that these arguments create a reasonable probability that the Supreme Court will grant review of and then reverse this court's decision. First, our decision did not create a new rule about witness exclusion but rather [*5] applied the established balancing test required under the Supreme Court's decisions interpreting the Compulsory Process Clause. *Harris*, 698 F.3d at 633-37. Second, we acknowledged in our decision that Diante had told an investigator that he was asleep when his brother died, but explained in some detail why we concluded that this "admission" did not make the exclusion of Diante as a witness harmless. The admission did not undermine the probative value of Diante's unambiguous and consistent reports that he watched his brother wrap the elastic cord around his own neck just before he died and saw a "bubble" form on Jaquari's lips before Jaquari "fell asleep." *Id.* at 629-30.

The balance of other factors also weighs in favor of releasing Harris. As noted in the order denying the State's original

motion to stay the mandate, "the harm to Harris is self-evident: Maintaining the status quo increases the length of time she spends in prison on an unconstitutional conviction obtained by excluding probative evidence of actual innocence." Any harm to the State pales in comparison. The State has not meaningfully contended that Harris is a danger to the community. On the contrary, accounts from friends [*6] and family, and even a prison chaplain and the coordinator of Clinical Services at the Cook County Jail's Female Division speak of Harris as a compassionate and caring person who has been serving as a caregiver in the state prison's hospital, while serving her sentence under minimum security conditions. Although the State argues that she is a flight risk based on the length of her remaining sentence, we disagree. Harris is a lifelong resident of Chicago and her family, including her son Diante, lives here, persuading us that she is not likely to attempt to flee.

We also disagree with the State that it is likely to convict Harris in a new trial. The State emphasizes Harris's videotaped confession and the earlier-discussed "admission" by Diante that he was asleep. But the State will need to prove its case beyond a reasonable doubt, and there are many reasons to doubt the alleged evidence of Harris's guilt. For example, Harris's confession is essentially the only evidence against her, and there are many reasons to question it. When she first supposedly confessed to killing Jaquari, she claimed to have wrapped a phone cord around his neck. All other physical evidence, including the autopsy [*7] report, showed that was undisputably false. Her videotaped confession came only after she stayed overnight in a holding cell and took a polygraph examination with inconclusive results. *Harris*, 698 F.3d at 631-32.

Additionally, the doctor who examined Jaquari's body postmortem initially concluded that the boy's death was accidental, and only *after* learning about Harris's confession from a detective did he revise his opinion to conclude that the death was a homicide. Since this doctor's opinion was the only medical evidence presented, there seems to be a lack of independent medical support for the State's theory. Moreover, of course, as we emphasized in our original opinion, the unconstitutional exclusion of Diante's testimony barred from trial "the most valuable piece of evidence for Harris's defense." *Harris*, 698 F.3d at 638. Although the State focuses on minor inconsistencies in Diante's accounts to different interviewers, a jury is likely to find his recollection of his brother's death from the day after it happened—that Jaquari was playing with an elastic band that got wrapped around his neck—particularly probative, especially since this account was also consistent with his testimony [*8] at the competency hearing.

Finally, the State has raised a reasonable concern about its deadline to retry Harris. This court's earlier ruling on the stay motion noted that the Supreme Court would have "a good deal of time to review the petition," even if the State waited until the deadline to file its petition, and encouraged the State to file the petition sooner. The State nonetheless waited until the deadline, and then Harris was granted an extension of time to file a response by March 21, 2013, less than two weeks before the State's current deadline for electing to retry Harris. Thus, the State says, "the earliest that the Supreme Court may dispose of the petition is April 22, 2013, twenty days *after* the State must elect to retry petitioner." Additionally, the State notes, if the petitioner seeks any additional extension of time, it may be forced to conduct an actual retrial of Harris before the Supreme Court decides whether to review this court's decision. As the order on the stay motion noted, the State should be able to prepare for retrial and Supreme Court review simultaneously. But we do not think it prudent to require the State to begin a retrial before the Supreme Court's [*9] resolution of the certiorari petition. A reasonable resolution of the competing interests here is to release Harris on reasonable conditions while also extending the State's time to decide whether to retry Harris until 14 days after the Court denies the petition or, if it is granted, 14 days after the Court issues a final opinion.

Accordingly,

IT IS ORDERED that the mandate in this appeal is **RECALLED** and **MODIFIED AS FOLLOWS**:

The State's deadline for retrial is extended to 14 days after the Court denies the petition or, if it is granted, 14 days after the Court issues a final opinion.

Pursuant to *Fed. R. App. P. 23(c)*, Nicole Harris is **RELEASED** from prison effective at noon Central Standard Time on Monday, February 25, 2013, and shall be subject to supervision by the United States Probation Office for the Northern District of Illinois on the following conditions:

1. Petitioner Harris must report to the U.S. Probation Office for the Northern District of Illinois, 55 East Monroe Street, Room 1500, Chicago, Illinois, within 72 hours after her release from the Illinois Department of Corrections facility where she is currently housed. She shall continue to report to the Probation Office periodically [*10] as directed by the United States District Court or the Probation Office.
2. The petitioner shall not commit any federal, state, or local crime.
3. The petitioner shall not unlawfully use or possess a

controlled substance. The district court may order periodic drug testing if deemed advisable.

4. The petitioner shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

5. The petitioner shall not leave the Northern District of Illinois without the permission of the United States District Court or the Probation Office.

6. The petitioner shall answer truthfully all inquiries by the Probation Office and follow the instructions of the Probation Office.

7. The petitioner shall refrain from excessive use of alcohol.

8. The petitioner shall reside with Karen Collins, 7827 South May Street, Chicago, Illinois, and shall notify the Probation Office at least ten days prior to any change in residence or employment. There shall be no restrictions on the petitioner's contact with Diante Dancy or Sta-Von Dancy.

9. The petitioner shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.

10. The petitioner shall not associate [*11] with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the Probation Office.

11. The petitioner shall permit a Probation Officer to visit her at any time at home or elsewhere and shall permit confiscation of any contraband observed in the plain view of the Probation Officer.

12. The petitioner shall notify the Probation Office within 72 hours of being arrested or questioned by a law enforcement officer.

13. The petitioner shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court.

14. The petitioner shall, as directed by the Probation Office, notify third parties of risks that may be occasioned by her criminal record or personal history or characteristics and shall permit the Probation Office to make such notifications and to confirm the petitioner's compliance with such notification requirement.

The district court shall remain free to hold a hearing to

modify these conditions as that court deems appropriate in the exercise of its sound discretion.

End of Document

ADULT CONDUCT REPORTS

SECTION 5 - This section contains all Adult conduct Reports (DOC-9) in chronological order with the most recent on top. Any change of Adult Conduct Reports (DOC-9), based on appeal, must be reflected here. All information related to a specific conduct report must be attached to the conduct report.

ADULT CONDUCT REPORT

PLEASE PRINT OFFENDER'S NAME

CONDUCT REPORT NUMBER

OFFENDER NAME - Last Dassey First Brendan MI MI DOC NUMBER 516985 INST. CODE 04 2269651

OFFENDER LIVING QUARTERS NCH B-13 LOCATION OF INCIDENT B-Tier DATE OF INCIDENT (MM/DD/YY) 03-21-14 TIME OF INCIDENT 1 AM 2 PM

IF PERSON INJURED-SPECIFY STATUS (Staff, Offender, Visitor) FNDS N/A CONTRABAND INVOLVED Yes No IF WEAPON INVOLVED - WHAT N/A

Rule Number	Rule	FINDING OF GUILT	
		Guilty	Not Guilty
1 303	<u>Unauthorized Transfer of Property</u>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>
2 303	<u>Being in an Unassigned Area</u>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>
3 303		1 <input type="checkbox"/>	2 <input type="checkbox"/>
4 303		1 <input type="checkbox"/>	2 <input type="checkbox"/>

DESCRIPTION OF INCIDENT (Include Detailed Facts upon which Charges are based, sources of information, evidence, statement of other staff members and, if appropriate, cell or shop assignment number.)

On the above date and time while assigned as the North Cell Hall Extra, I observed via the CCTV monitor in the Secure Work Station inmate Dassey, Brendan #516985 in front of cell B-12 receiving unknown items and throwing them into his cell B-13. I immediately went to B-13 and asked Dassey to give me the items he received, Dassey gave me five (5) Ramen Noodle Soups that he received from inmate Menger, Douglas #389854. At no time should have Dassey been out of his cell as his door was opened for his cellmate returning

ACTIVITY AT TIME OF INCIDENT TYPE OF HANDLING Minor SIGNATURE OF STAFF MEMBER COMPLETING REPORT COB [Signature] DATE COMPLETED 03-21-14

SECURITY DIRECTOR'S REVIEW (Complete only if no summary disposition was made)

DECISION ON CONDUCT REPORT Proceed Dismiss Return for Investigation IS OFFENDER IN TLU Yes No TYPE OF HEARING PROCEDURE Minor Offense 303.75 Major Offense 303.76

- IF A MAJOR HEARING, INDICATE WHY:
- The alleged violation is designated as a Major Offense by DOC 303.68(3) OR
 - The offender has previously been found guilty of the same or a similar offense (consideration given to how often and how recently)
 - The offender has recently been warned about the same or similar conduct
 - The alleged violation created a risk of serious disruption at the institution or in the community
 - The alleged violation created a risk of serious injury to another person
 - The value of the property involved (if alleged violation was actual or attempted damage and/or misuse of property, possession of money, gambling, unauthorized transfer of property, soliciting staff or theft)

SIGNATURE OF SECURITY DIRECTOR [Signature] DATE SIGNED 03/24/14
DATE COPY GIVEN TO OFFENDER 03/24/14 TIME COPY GIVEN TO OFFENDER 1055 A.M. SIGNATURE OF STAFF MEMBER DELIVERING COPY TO OFFENDER [Signature]

RECORD OF SUMMARY DISPOSITION

SUMMARY DISPOSITION

SHIFT SUPERVISOR'S SIGNATURE OF APPROVAL OFFENDER'S SIGNATURE OF AGREEMENT

RECORD OF CONDUCT REPORT DISPOSITION

DATE OF DISPOSITION (MM/DD/YY) 03-28-14 MAJOR DISPOSITION DISPOSITION(S) 7 days loss of Recreation
REFERRED TO PROGRAM REVIEW dispose of contraband
1 Yes 2 No 3 Not Known Yes No

ADULT CONDUCT REPORT
Continued

OFFENDER NAME Last	First	MI	INSTITUTION	CONDUCT REPORT NUMBER
Dassey,	Brendan		04	2269651

DESCRIPTION OF INCIDENT - Continued

From a pass. Dassey did not have permission from any staff member to be out of his cell or pass any items. A copy of warning card and scans accompany report as evidence.

Written By: COA [Signature] (2014)
03-21-14

Given 03/24/14 10:55 AM
[Signature] (Cole)

Date	Violation	CRAW/Summary	Staff
2-28-10	Leaving assigned area	W	Jutt
2-28-10	T.V. ON, MASSEY NOT IN CELL	W	SCHLOSSER
3-31-12	DAMAGED PROPERTY	CR	[Signature]
23-21-14	040, 051	CR	[Signature]

DISCIPLINARY HEARING

REASONS FOR DECISION AND EVIDENCE RELIED ON

OFFENDER NAME Dassey, Brendan	DOC NUMBER 516985	INSTITUTION GBCI	CONDUCT REPORT NUMBER 2269651
TYPE OF HEARING <input checked="" type="checkbox"/> MINOR [303.75]	<input type="checkbox"/> MAJOR - Full Due Process [303.76] <input type="checkbox"/> MAJOR - Waived [303.76(2)]	HEARING DATE 03/28/14	HEARING TIME 6:56 P M.
<input checked="" type="checkbox"/> Conduct Report read aloud to offender. <input type="checkbox"/> Offender not present, but given a chance to attend. The committee knew these facts because:			
<input checked="" type="checkbox"/> Offender present at hearing			

OFFENDER STATEMENT

I asked my next door neighbor if he could give me some soups. I was hungry.

<p>EVIDENCE (The committee relies on the following evidence in finding the offender guilty)</p> <input checked="" type="checkbox"/> Statement in the Conduct Report # <u>2269651</u> <input type="checkbox"/> Testimony by reporting staff member <input type="checkbox"/> Other testimony <input checked="" type="checkbox"/> Physical evidence (Explain what) <u>5 Soups</u> <input type="checkbox"/> Confidential Witness Statements (attach copy of summary) <input type="checkbox"/> Institution rules, policies and procedures <input type="checkbox"/> rules, policies or procedures were posted <input type="checkbox"/> rules, policies or procedures are in a handbook given to all offenders <input type="checkbox"/> Verbal order (writes what order was) _____ <input type="checkbox"/> Property slips or other information <input type="checkbox"/> Special written order was _____ Dissent from Majority and Reasons for Dissent <div style="text-align: right;"><input type="checkbox"/> See Attachments</div>	<p>DECISION Based on the evidence, the committee finds the offender guilty or not guilty of the following offenses.)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 60%;">RULE NUMBER</th> <th style="width: 30%;">SUBSECTION</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>303.40</td> <td></td> <td><input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty</td> </tr> <tr> <td>2.</td> <td>303.511</td> <td></td> <td><input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty</td> </tr> <tr> <td>3.</td> <td></td> <td></td> <td><input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty</td> </tr> <tr> <td>4.</td> <td></td> <td></td> <td><input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty</td> </tr> </tbody> </table> <p>REASON FOR DECISION</p> <p>I considered the inmate's statement and the conduct report.</p> <p>The inmate admits guilt to the offense receiving property from another inmate.</p> <p>The conduct report states the inmate was seen out of his cell when he was not allowed to be. He was seen receiving property from another inmate.</p> <p>Inmates are not allowed to receive or give any property to any other inmate. Inmates are not allowed to be outside their door when they are not enroute to another area.</p> <p>I conclude that it is more likely than not that the inmate is guilty of 303.40, 303.511.</p> <div style="text-align: right;"><input type="checkbox"/> See Attachments</div>		RULE NUMBER	SUBSECTION		1.	303.40		<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	2.	303.511		<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	3.			<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	4.			<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty
	RULE NUMBER	SUBSECTION																			
1.	303.40		<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty																		
2.	303.511		<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty																		
3.			<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty																		
4.			<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty																		
<p>DISPOSITION 7 Days Loss of Recreation/Dispose of contraband</p>																					
<p>REASON FOR DISPOSITION (DOC 303.83) 1) 1 Previous CRs during the past year 2) No similar charges</p>																					

DATE OF DECISION 03/28/14	SIGNATURES OF ADJUSTMENT COMMITTEE MEMBERS OR HEARING OFFICER <i>(Signature)</i>	SUPERVISOR <i>(Signature)</i>
SIGNATURE OF STAFF MEMBER GIVING COPY TO OFFENDER <i>(Signature)</i>		DATE COPY GIVEN TO OFFENDER 03/28/14
		TIME COPY GIVEN TO OFFENDER 10:00 P M.

cc: Original - Case File; Copy - Offender; Copy - Security Officer; Copy - Advocate

ADULT CONDUCT REPORT

PLEASE PRINT OFFENDER'S NAME

CONDUCT REPORT NUMBER

OFFENDER NAME - Last DASSEY	First BRENDAN	MI	DOC NUMBER 516985	INST. CODE 04	2273799
OFFENDER LIVING QUARTERS LOCATION OF INCIDENT NCH B-13 NCH B-13		DATE OF INCIDENT (MM/DD/YY) 03/31/12		TIME OF INCIDENT 1 <input type="checkbox"/> AM 2 <input checked="" type="checkbox"/> PM 2:45	
IF PERSON INJURED-SPECIFY STATUS (Staff, Offender, Visitor) N/A		CONTRABAND INVOLVED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF WEAPON INVOLVED - WHAT N/A	

RULE ALLEGEDLY VIOLATED		Rule		FINDING OF GUILT	
Rule Number				Guilty	Not Guilty
1	303	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	303	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	303	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	303	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DESCRIPTION OF INCIDENT (Include Detailed Facts upon which Charges are based, sources of information, evidence, statement of other staff members and, if appropriate, cell or shop assignment number.)

ON ABOVE DATE AND APPROXIMATE TIME, I, OFFICER SCHLOSSTEIN, CONDUCTED A RANDOM CELL SEARCH IN CELL B-13, NORTH CELL HALL, HOUSED BY INMATE BRENDAN DASSEY, DOC# 516985. A RADIO BELONGING TO DASSEY WAS LOCATED ON HIS BED WHICH HAD TAPE TO THE ANTENNA OF THE RADIO, AND TO THE FACEPLATE OF THE RADIO. A CHECKERBOARD WAS LOCATED IN DASSEY'S PROPERTY WHICH WAS DAMAGED AND REPAIRED WITH TAPE. A BROKEN SOAP DISH WAS FOUND IN DASSEY'S PROPERTY, THE HINGES TO THE SOAP DISH WERE DAMAGED. ONE PAIR OF BLACK TWEEZERS WERE FOUND WITH TAPE APPLIED TO THE HANDLE. FOUR INTERVIEW / REQUEST FORMS WERE FOUND BEING USED TO PLAY GAMES, AND KEEP SCORE FOR GAMES. DASSEY WAS INFORMED A CONDUCT REPORT WOULD BE WRITTEN. SGT BEVERLY WAS INFORMED OF THE CONTRABAND FOUND. CONTRABAND ACCOMPANIES REPORT. END OF REPORT

ACTIVITY AT TIME OF INCIDENT TYPE OF HANDLING SIGNATURE OF STAFF MEMBER COMPLETING REPORT SCHLOSSTEIN DATE COMPLETED 03-31-12

SECURITY DIRECTOR'S REVIEW (Complete only if no summary disposition was made)

DECISION ON CONDUCT REPORT Proceed Dismiss Return for Investigation IS OFFENDER IN TLU Yes No TYPE OF HEARING PROCEDURE Minor Offense 303.75 Major Offense 303.76

IF A MAJOR HEARING, INDICATE WHY:

- The alleged violation is designated as a Major Offense by DOC 303.68(3) OR
- The offender has previously been found guilty of the same or a similar offense (consideration given to how often and how recently)
- The offender has recently been warned about the same or similar conduct
- The alleged violation created a risk of serious disruption at the institution or in the community
- The alleged violation created a risk of serious injury to another person
- The value of the property involved (if alleged violation was actual or attempted damage and/or misuse of property, possession of money, gambling, unauthorized transfer of property, soliciting staff or theft)

SIGNATURE OF SECURITY DIRECTOR _____ DATE SIGNED _____

DATE COPY GIVEN TO OFFENDER _____ TIME COPY GIVEN TO OFFENDER _____ M. SIGNATURE OF STAFF MEMBER DELIVERING COPY TO OFFENDER _____

RECORD OF SUMMARY DISPOSITION

SUMMARY DISPOSITION 7 days COP

SHIFT SUPERVISOR'S SIGNATURE OF APPROVAL [Signature] OFFENDER'S SIGNATURE OF AGREEMENT X Brendan Dassey

RECORD OF CONDUCT REPORT DISPOSITION

DATE OF DISPOSITION (MM/DD/YY) 03-31-12 MAJOR DISPOSITION _____ DISPOSITION(S) 7 day loss of Recreation program to assist in disposal

REFERRED TO PROGRAM REVIEW 1 Yes 2 No 3 Not Known Yes No

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OFFENDER PERFORMANCE EVALUATION

HOUSING UNIT WORK SCHOOL
 OFFENDER NAME: DASSEY, Brandon DOC NUMBER: 516985 EVALUATION DATE: 4/15/10 PROBATION: YES NO
 HOUSING UNIT: ma ASSIGNMENT: School
 FULLTIME PARTTIME HOURS: 7:45 A.M. 3:20 P.M. START DATE: 2009

INSTRUCTION: Each aspect of this offender's performance is to be rated. Completion of this form should be done in accordance with institution policy, but is required by division policy once every 6 months. Use the following scale to rate each item.

Always	3	Infrequently	1
Usually	2	Never	0

ATTITUDE AND PERFORMANCE

- Works in a cooperative manner with staff and other offenders. 3
- Follows verbal and written directions given by staff. 3
- Work/school assignments are satisfactorily completed. 3
- Accepts supervision when needed. 3
- Is reliable and ready for work/school on time. 3
- Displays responsible behavior at work or school. 3

INITIATIVE

- Willing to learn and apply new skills. 3
- Performs with minimal supervision. 3
- Shows an interest in work and offers relevant suggestions in order to improve job quality. / Takes initiative to set own academic goals. 3
- Completes assignments in a timely manner. 3
- Uses down / study time constructively. 2

SUBTOTAL 32

Less number of work/school-related conduct reports (disposition results) since last evaluation. # Minor _____ x 3
 + # Major _____ x 5 = _____

Scores	Above Average	27 to 33
Satisfactory 19 to 26	Unsatisfactory	0 to 18

TOTAL SCORE 32

COMMENTS: Cooperates with other inmates, completes classwork in allotted time

OFFENDER COMMENTS

OFFENDER SIGNATURE: [Signature] DATE SIGNED: 4/14/10
 INSTRUCTOR/SUPERVISOR SIGNATURE: [Signature] DATE SIGNED: 4/14/10

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

BRENDAN DASSEY,)	
)	
)	
Petitioner,)	
)	No. 14-CV-1310
v.)	
)	The Honorable Magistrate Judge
)	William E. Duffin, judge presiding
MICHAEL A. DITTMANN, Warden,)	
Columbia Correctional Institution,)	
)	
Respondent.)	

PETITIONER BRENDAN DASSEY’S PROPOSED PLAN FOR RELEASE ON BOND

On behalf of Petitioner Brendan Dassey, a comprehensive release plan has been developed that will provide Brendan with the structural, relational, emotional, educational, and vocational support necessary to facilitate his positive reintegration back into society if released on bond. Below, Kasia Majerczak,¹ a Licensed Clinical Social Worker with the Bluhm Legal Clinic of Northwestern University Pritzker School of Law, details a proposed release plan that addresses Brendan’s housing, financial needs, transportation, emotional stability, employment, and education. This plan was developed in collaboration with Brendan Dassey, his legal team, and his mother, father, and step-father.

1. Brendan will have a strong network of family support and professional guidance to assist him in his transition back to the community.

It is apparent to Ms. Majerczak that Brendan’s immediate family has provided him with unwavering and unconditional love and support since he was first incarcerated 10 years ago. His family has consistently visited him in prison,² written him letters, provided financial support and attended all of his court hearings. In addition to the financial and emotional support of his parents, Brendan will also have the support of his three adult brothers and their families. Importantly, Brendan’s family is aware of the complexity of the re-entry process and is prepared to address any issue that may arise through every phase of his transition. For example, Brendan’s mother, Barbara Tadych – who has always been Brendan’s emotional “rock” – will take a leave of absence from

¹ A resume for Kasia Majerczak, who has assisted numerous clients with the re-entry process upon their release from jail/prison, is attached as Exhibit 4A.

² It has been found that frequent prison visitation significantly improves the transition back to the community and has been associated with lower recidivism. See Duwe G., and Clark, V. (2013). Blessed Be the Social Tie That Binds: The Effects of Prison Visitation on Offender Recidivism. *Criminal Justice Policy Review*, 24(3), 271-296.

work to live with and assist Brendan if he is released. His family is likewise committed to supporting Brendan's obligation to abide by any conditions of release that the Court might set.

Familial support during re-entry is critical because "families are an important source of both emotional and tangible support for released prisoners" and often the most important factor in helping them build a productive life outside prison walls.³ Studies have shown that positive family support can be a buffer against the harmful mental health effects of life's stressors for released inmates and can therefore be directly predictive of a released prisoner's ability to succeed in the free world.⁴ Indeed, access to supportive family networks is one of the strongest predictors for successful reintegration. Studies have found that sustained contact with family, both during and after incarceration, reduces recidivism in formerly incarcerated individuals and fosters positive reintegration into general society.⁵

Both Brendan and his family can also rely on the committed and longstanding support of his legal and social work teams. His attorneys have represented him for nine years and have built a productive and positive relationship with Brendan and his mother. Ms. Majerczak is now prepared to serve as a focal point for these supportive efforts by working as Brendan's long-term case manager. As such, she will provide him and his family with professional guidance and support needed upon release, including providing Brendan with referrals for any necessary services.

2. Brendan will be provided with free, secure, and stable housing.

Without proper support, obtaining stable housing can be a challenge for individuals being released from incarceration.⁶ Therefore, multiple potential housing options have been identified below for Brendan.

a. Recommended release to northeastern Wisconsin and Brown County

In addition to emotional support, Brendan's mother, Barbara Tadych, will be able to provide him with immediate financial support upon his release, including free housing. If released, and if the Court approves, Brendan will go directly to the family's trailer home located in rural northeastern Wisconsin, approximately 100 miles from Manitowoc, where he will live with his mother. Brendan will have his own room in the trailer home, which consists of two bedrooms and one bathroom.⁷ Barbara describes the area near the trailer as wooded, rural, quiet, and peaceful, with only one visible neighbor. Given the media attention to this case and a history of threats that have been made against Brendan and his

³ La Vigne, N., Visher, C., & Castro, J. (2004). *Chicago Prisoners' Experiences Returning Home*. Washington, DC: Urban Institute, at 1.

⁴ Spjeldnes, S., Jung, H., Maguire, L., & Yamatani, H. (2012). Positive family social support: counteracting negative effects of mental illness and substance abuse to reduce jail ex-inmate recidivism rates. *Journal of Human Behavior in the Social Environment*, 22(2), 130-147.

⁵ Solomon, A., Waul, M. Van Ness, A., & Travis, J. (2004). Outside the Walls: A National Snapshot of Community-Based Prisoner Re-entry Programs. *Urban Institute and Outreach Extensions Research Guide*. 102-105.

⁶ Fontaine, J. (2013). *Examining Housing as a Pathway to Successful Reentry: A Demonstration Design Process*. Urban Institute, at 1.

⁷ The address of the trailer home and pictures will be made immediately available to the Court upon request.

family, this location will provide a safe and private space that will greatly facilitate the initial adjustment period. As previously noted, Barbara will be taking a leave of absence from work during this period to provide Brendan with support. Scott Tadych, Barbara's husband, is currently on medical leave from work and has also offered to provide Brendan with any additional support. Brendan and his family are ready to be reunified.

Brendan and his mother will stay at the trailer home from 30 to 90 days to allow Brendan time to adjust to his surroundings. Brendan will use this time to acclimate to day-to-day life and create a new routine for himself outside the enforced structure of the prison environment. This time will also provide Brendan with an opportunity to begin developing his identity in the free world, as individuals who "grow up" in the prison system are restricted in their freedom to explore self-sufficiency, master social competence, and establish themselves socially due to the regulated and structured prison environment.⁸

After this initial adjustment period, Ms. Majerczak will work closely with Brendan and the family to transition Brendan to a rental property in Brown County, where extensive re-entry services and programming are available for individuals like Brendan.⁹ When it is known exactly where in Brown County Brendan will reside, Ms. Majerczak will assist with connecting him with the appropriate medical, therapeutic, educational, and vocational services.

b. Alternative release to Manitowoc County

If it is determined that Brendan is to be released within the limits of Manitowoc County, Brendan will reside with his mother, Barbara, and her husband, Scott, at their home in Manitowoc County, Wisconsin. The home includes three bedrooms and three bathrooms, so Brendan would have his own room.¹⁰ Brendan's brothers all reside within Manitowoc County as well and would still be able to provide additional supports under this arrangement. Ms. Majerczak will also work with Brendan to locate and connect him with the appropriate medical, therapeutic, educational, and vocational services closer to the Manitowoc area.

c. Transitioning to independent living

Regardless of his ultimate landing place, Brendan can participate in the Rent Smart Program in Brown County, Wisconsin to provide him with practical education on renting apartments in preparation for an eventual independent living arrangement. The program covers topics such as financial management, how to look for apartments, how to work with landlords, caring for the property, cleaning tips, and the legalities of housing discrimination. This program is specifically designed for individuals who have never rented or have a hard time obtaining a rental due to homelessness or incarceration. Ms. Majerczak will ensure the necessary supports are in place, including having Brendan

⁸ Arditti, J. & Parkman, T. (2011). Young Men's Reentry After Incarceration: A Developmental Paradox. *Interdisciplinary Journal of Applied Family Studies: Family Relations*, 60 (2), 205-220.

⁹ The Brown County United Way Re-Entry Resource Guide is attached as Exhibit 4B.

¹⁰ The address of the Manitowoc County home and pictures will be made immediately available to the Court upon request.

participate in additional financial counseling, budgeting classes, and independent living skills classes to prepare him for independent living given his limitations.

3. Brendan will receive employment and vocational training and support.

Brendan is aware of the importance in partaking in vocational services and trainings in order to prepare for long-term success outside prison walls. He has consistently expressed interest in the computer and video gaming industry as a possible career choice. He also enjoys working with animals and would like to devote time to volunteering at a local animal shelter or veterinary clinic. One report notes that successful employment assistance in re-entry work must include job provision and search assistance for program participants as well as skill and education-building components.¹¹ This proposed release plan addresses those components for Brendan.

Brendan will be able to receive vocational and community employment services from a variety of agencies upon applying with the Wisconsin Department of Workforce Development and Division of Vocational Rehabilitation. Ms. Majerczak will assist Brendan with filling out the appropriate applications in order to receive these services. The Wisconsin Job Center in Brown County will be a great resource for Brendan, as it provides job search assistance, job training programs, apprenticeships, and other educational resources. The Manitowoc County Job Center also provides resources for finding employment and training services, including free basic computer classes. Ms. Majerczak will continue to work with Brendan to find additional vocational training services after his legal team receives guidance, if any, from the Court regarding its preferences as to his residential location while on bond.

In regards to the volunteer work, which will provide Brendan with excellent hands-on experience, both Brown County and Manitowoc County have animal humane societies that rely on the help of volunteers with daily operations.

4. Brendan will receive educational training and support.

Since his incarceration, Brendan obtained his High School Equivalency Diploma on October 1, 2010.¹² Throughout his educational history, Brendan has received special education services and he continues to have special education needs, including limitations on his abilities to communicate and comprehend. The following educational recommendations are made with an awareness of Brendan's special needs and abilities.

- a. In addition to his vocational training, Brendan can participate in computer and workforce skills classes and programming offered by Literacy Green Bay if he is released to the Brown County area.
- b. To support Brendan's goal of working in the computer or gaming industries, he will have to improve his writing skills. There are community and technical colleges in and/or near both counties where Brendan may be able to take such courses.

¹¹ Apel, R. (2011). Transitional jobs program: Putting employment-based reentry programs into context. *Criminology and Public Policy*, 10(4), 939-942.

¹² A copy of Brendan's High School Equivalency Diploma is attached as Exhibit 4C.

Brendan has also been engaging in extensive correspondence with many people who send him letters. He either writes these letters himself or dictates his thoughts to others. Either way, this has given him practice in expressing himself and improve his writing skills.

- c. If Brendan is released to a location in Manitowoc County, he can not only participate in computer classes that are offered at the Manitowoc Public Library, but he can also attend appropriate book clubs and events hosted at the library in order to gain experience socializing. Brendan very much enjoys reading mystery, fantasy tales, and anime comic books, so this may be a good outlet for him to create social relationships in the community.

If Brendan has an opportunity to be released, Ms. Majerczak will continue to work with Brendan to determine the best school and program options for his employment goals, educational background, and financial means.

5. Brendan will have access to therapeutic services to support his emotional transition.

In both the Brown and Manitowoc County areas, Ms. Majerczak has identified multiple agencies that can provide Brendan with therapeutic services to help him learn how to process the emotions that can accompany re-entry and to cope with life stressors in a healthy manner. After it is determined where he will be residing, Ms. Majerczak will provide Brendan with the appropriate referral for therapeutic services at an agency that is familiar with the issues that arise for individuals reintegrating back into their communities. Specifically in Brown County, there are two support groups offered for individuals re-entering the community from prison and a support group for family members of those individuals as well.¹³

As a licensed clinical social worker, Ms. Majerczak is also able to provide Brendan with clinical services and create an action plan to help Brendan focus on his goals. Ms. Majerczak expects to play an active role in Brendan's life if he is released and will meet with Brendan and communicate with him telephonically on a consistent and regular basis.

6. Brendan will receive free (or low cost) quality medical care.

Another component of the continuum of support upon release from prison is strong medical care.¹⁴ Compared to non-incarcerated citizens, inmates in state jails are 31% more likely to have asthma, 55% more likely to have diabetes and 90% more likely to have suffered a heart attack. It has been reported that in state prisons, 42.8% of the inmates have a chronic medical condition.¹⁵ Although Brendan has not reported any medical problems, it is imperative that he receives a thorough physical evaluation and medical care upon his release.

¹³ Information about the groups can be found in the Brown County Re-Entry Resource Guide

¹⁴ Duwe, G. (2012). Evaluating the Minnesota comprehensive offender reentry plan (MCORP): Results from a randomized experiment. *Justice Quarterly*, 29(3), 347-383.

¹⁵ <http://health.usnews.com/health-news/managing-your-healthcare/articles/2009/01/16/many-in-us-prisons-lack-good-health-care>

Brendan will have to apply for Medicaid and can receive assistance applying for medical insurance through the Brown County Human Services-Community Programs Division or the Manitowoc County Human Services Department, which will be facilitated by Ms. Majerczak. In the Brown County area, Brendan will be referred to the N.E.W. Medical Clinic at Northeast Wisconsin Technical College¹⁶ where he can receive medical and dental services on a sliding-scale basis. If Brendan will be residing in Manitowoc County, he will be referred to Lake Shore Community Health Care,¹⁷ which provides medical, behavioral, and dental care. This clinic provides holistic services to those who are uninsured or underinsured and offers sliding-scale fees. These health centers are within close proximity to where Brendan will be staying. Even though Brendan does not present with any chronic medical issues, having access and linkage to community-based medical services will provide Brendan with a continuity of care if he is permitted release on bond.

In conclusion, the continuum of supports included in Brendan's release plan are designed to encourage success if he is released back into the community. Brendan faces the possibility of release with an awareness of the challenges that re-entry can pose and is eager to participate in the re-entry programs and other services described in this release plan. With the anticipated support and encouragement of his family, the programming, services, and professional guidance identified in this plan will ease Brendan's transition back to a productive life outside prison walls.

Respectfully Submitted by,



Kasia Majerczak, MSW, LCSW
Social Worker, Bluhm Legal Clinic
Northwestern Pritzker School of Law
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Chicago, IL 60611
Phone: (312) 503-1952
Email: kasia.majerczak@law.northwestern.edu

¹⁶ Details about the N.E.W. Medical Clinic can be found at <http://www.newcommunityclinic.org/>

¹⁷ Details about the Lake Shore Community Health Care can be found at <http://www.lakeshorecommunityhc.org/Health-Services.html>

Exhibit 4A

KATARZYNA MAJERCZAK, MSW, LCSW

EDUCATION

LOYOLA UNIVERSITY CHICAGO

Master of Social Work, Specialization in Children & Families

May 2013

Bachelor of Social Work, *Cum Laude*

May 2012

Bachelor of Science in Criminal Justice, *Cum Laude*

FOREIGN LANGUAGE

Polish: Fluent in speaking, reading and writing

EXPERIENCE

Bluhm Legal Clinic, Northwestern School of Law

August 2015- Present

Social Worker

Chicago, IL

Social Work Intern

June 2012-July 2013

- Facilitate the re-entry process for juvenile justice involved youth and wrongfully convicted adults including working with community agencies to assist individuals in achieving vocational, educational, and recreational goals
- Utilize various therapeutic and trauma-informed clinical approaches to assist incarcerated and court-involved youth and adults to examine behaviors, relationships and roles, and to cope with daily living issues
- Provide the juvenile and criminal court with written clinical assessments and social service action plans
- Collaborate with and serve as point of contact for the legal team regarding social services for juvenile justice, criminal justice, gang-involved, wrongfully convicted, and child welfare involved clients.
- Advocate for appropriate placements and services on behalf of clients by forming relationships with the agencies
- Conduct comprehensive intake interviews for Project off the Record, which aims to remove young adults from the sex offender registry
- Spearheaded an online listserv for wrongfully convicted women, allowing for a space for exonerated women to support one another, provide advice and guidance, and build a stronger network

Catholic Charities of Chicago, Maternity-Adoption Department

June 2014- Present

Bilingual Adoption Specialist, Part-time

Chicago, IL

- Assist families interested in international adoption with Poland by providing case management, home studies, licensing visits, post-placement visits and written assessments, and maintain case records
- Facilitate and translate all communication with the adoption liaison in Poland and coordinate with the adoption centers to ensure required documentation is submitted within expected timeframes
- Conduct an adoption support playgroup for children ages 3 through 12 once a month and adoption information meetings as needed in Polish to educate prospective adoptive parents

Forensic Clinical Services, Circuit Court of Cook County

January 2014- August 2015

Custody Evaluator

Chicago, IL

- Conducted comprehensive clinical interviews and observations with parents, children, and collateral contacts to assess parenting skills and involvement, veracity, and the best interest of children in high-conflict custody disputes for the court
- Assessed and explored issues within the family system to understand the dynamics and psychological processes that take place and each individual's current functioning
- Prepared a comprehensive written report of clinical assessment and recommendations to the court to assist judges to make informed decisions which impact children and their families
- Obtained written consent to obtain collateral information and review any documents which contribute to the current custody and/or visitation dispute
- Referred families to appropriate resources not limited to parenting classes, therapy, and vocational training

Lutheran Social Services of Illinois, Intact Family Recovery Program

July 2013- January 2014

Master's Child Welfare Specialist

Des Plaines, IL

- Provided intensive case management to 10 families who have delivered a substance-exposed infant in partnership with an Alcohol and Other Drug counselor to ensure parents enter and complete substance abuse treatment and the children are developing appropriately
- Assessed and investigated the problems and issues within the family system and provide the necessary services in accordance with the written service plan that is based on the integrated assessment
- Monitored the safety and well-being of children by arranging timely and appropriate safety plans when necessary
- Coordinated and collaborated with other service providers, schools, and health care facilities

Loyola Civitas ChildLaw Center

September 2008- July 2013

*Legal Assistant**Chicago, IL*

- Directed day-to-day office operations including assisting with client intake calls, providing appropriate referrals, and communicating with clients, opposing counsel, and other court officials
- Managed about 100 client court files for child protection, domestic relations including high-conflict custody, education, and international child abduction cases. Tasks included: interviewing clients, home visits, preparation of reports, opening and closing files, maintaining and updating databases, and assisting with pre-trial preparation
- Coordinate and plan 3-4 conferences a year to educate court professionals on child and family law related issues
- Designed child law resource guides for students, monthly newsletter, templates for Clinic, and grant reports
- Directed and facilitated the annual Give-a-Gift program for over 100 children
- Provided translation services for Polish speaking clients

Village of Mount Prospect Human Services Department

September 2011- May 2012

*Social Work Intern**Mount Prospect, IL*

- Served as a case manager by providing intake interviews to assess client needs, financial assessments, and direct service and referrals for families, individuals, and seniors
- Provided therapeutic services for community residents that included: crisis intervention, mediation & conflict resolution, family systems and solution-focused brief therapy
- Consulted with law enforcement and conducted follow-up interviews with residents who had recent police contact
- Educated victims about the dynamics of domestic violence and assisted with safety planning and court advocacy
- Attended bi-monthly multi-disciplinary community meetings focused on improving community support
- Assisted clients with Public Assistance applications (Medicare, Medicaid, SNAP, Housing)

Project Mentor (Mentoring Program for High School Students)

September 2010- August 2012

*Mentor**Hyde Park, IL*

- Instilled a sense of self-empowerment in high school aged adolescents by providing a means to discuss future goals, supporting social and emotional development, and counseling on personal issues
- Provided vocational training by assisting with resumes, interview preparation and job interest and search

Cook County Jail: Department of Women's Justice

February 2010- August 2010

*Volunteer (70+ hours)**Chicago, IL*

- Conducted intake for the women in the Furlough program, which included orientation, GAINS assessments, and check-ins to gain an understanding of ongoing problems
- Co-facilitated a weekly group therapy session to assist victims of domestic violence with self-esteem
- Assisted with discharge planning by providing women with community resources

Donoghue Charter School: GirlPOWER Mentoring Program for 5th Grade Girls

October 2009- May 2010

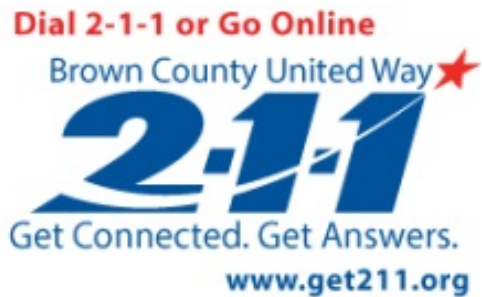
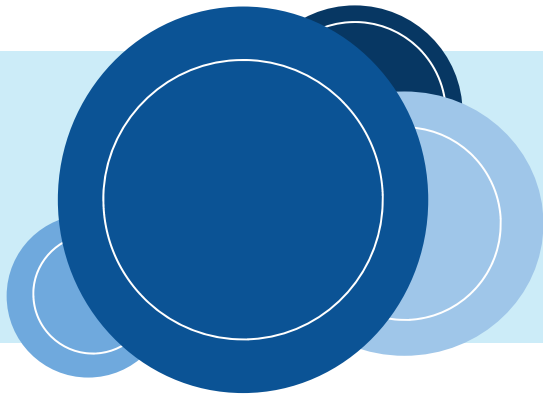
*Mentor/Volunteer (70 hours)**Chicago, IL*

- Conducted activities on age appropriate educational and social objectives for at-risk elementary school aged girls
- Co-facilitated the school health fair with the girls on healthy eating and nutrition

CERTIFICATIONS

Mental Health First Aid	April 2012
Cognitive Behavior Training (<i>with high-risk youth</i>)	April 2013
Illinois Child Welfare License	August 2013
Licensed Social Worker	January 2014
Licensed Clinical Social Worker	December 2015

Exhibit 4B



Re-Entry Resource Guide

*Making a Smooth Transition from
Incarceration Back to the Community*



Brown County United Way
Dial 2-1-1
www.get211.org

Getting Started

Entering back into the community after a recent incarceration can be overwhelming. Luckily, there are resources in Brown County that can help. Use this Re-Entry Resource Guide to get assistance in finding housing, employment, case management services, and support groups.

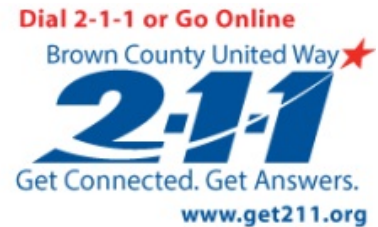
In This Resource Guide

Page

3-4	Support Groups
	Faith & Non-Faith- Based, Aftercare, Family
4	One-on-One Mentoring Support
5	Housing
6-7	Employment & Education
8-11	Sex-Offender Information
	Reporting Requirements, Housing

5, 9	ATTIC Correctional Services
5, 9	Accessing Long-Term Care Facilities
9	Brown County Community Treatment Center (CTC)
7	Casa Alba Melanie
4	Circles of Support
3	Come Journey
6	Criminal Records & the Workforce
7	Literacy Green Bay
10	Municipality Sex-Offender Ordinances
7	Northeast Wisconsin Technical College (NWTC)
3	Prison Aftercare Network (PAN)
10	Sex- Offender Housing Board Process (City of Green Bay)
8	Sex-Offender Reporting Requirements
3	Straight Street
4	Steps to Success
3	Think Again
7	Wisconsin Job Center

Need more help?



Provides confidential, easy-to-use, and free help finding non-emergency services in the community, such as:

- Transportation
- Food
- Temporary housing
- Mental health treatment
- Drug & alcohol addiction treatment
- Other needs

Call or click 24 hours a day, 7 days a week.

2-1-1 Plus Sites:

- Free computer, internet, and phone access

Find a list of locations in this resource guide (page 11).

Support Groups— Faith-Based

There are different types and styles of support groups available in Brown County for ex-offenders. Some focus on faith as a support in the journey of re-entering into the community, and others do not. Attending support groups allows an ex-offender to meet with other ex-offenders and a trained support group leader. This can help to make the transition from incarceration to the community easier.

NOTE: There are regulations against ex-offenders being with other ex-offenders after release. Check with the Parole Officer (PO) prior to attending any support group meetings.

Website/ Resources

Prison Aftercare Network (PAN)

Serving as an umbrella organization, PAN is a network of ministries, organizations, and individuals seeking to connect Christian individuals and ministries, providing resources & information to reduce recidivism.

Date: 3rd Friday of every month

Time: 10:00 am – 12:00 pm

Location: Nativity of Our Lord Parish- Lounge (2270 S. Oneida St., Green Bay; Door #7)

Contact: Peter Galowski (changedheartministries@yahoo.com, 920-713-8900)

Bob Van Domelen (bob@brokenyoke.org, 262-751-1128)

Website: <http://tinyurl.com/PANetwork>

Aftercare

Straight Street

Helps ex-offenders re-enter the community.

Date: 2nd & 4th Tuesday of every month

Time: 6:00 pm – 8:00 pm

Location: Christian Community Center (515 S. Monroe Ave., Green Bay; enter through rear door)

Contact: Peter Galowski (changedheartministries@yahoo.com, 920-713-8900)

Think Again

Helps ex-offenders re-enter the community.

Date: 1st & 3rd Wednesday of every month

Time: 6:00 pm - 8:00 pm

Location: Transformation House (436 S. Jefferson St., Green Bay; lower level)

Contact: Barb Williams (Barbwilliams1025@yahoo.com, 920-819-1912)

Family

Come Journey

This support group is specifically for families with loved a one in prison, jail, or recently released. Childcare is available.

Date: 2nd Thursday of every month

Time: 6:00 pm – 7:30 pm

Location: Christ Alone Church (505 E. Allouez Ave., Green Bay; Use main entrance)

Contact: Lois Pulvermacher (loisCTB@gmail.com, 920-712-4526)

Cheri Galowski (cmgalowski@yahoo.com, 920-469-2671)

Support Groups— Non-Faith-Based

Aftercare Circles of Support

The purpose of this support group is to provide recently released prisoners with a support network of local volunteers (a circle) to give guidance and direction. Attendees can get assistance with employment, education, housing, and more. Ex-offenders must be on state supervision, with permission from PO (pre-approval) to attend the meeting. This group is offered in conjunction with Goodwill Industries.

Contact: Anne Strauch (astrauch_gw@gwicc.org, 920-968-6832)

One-on-One Mentoring Support

Sometimes a little more one-on-one assistance is helpful when making the transition back to the community.

Steps to Success

This program is specifically for inmates (pre and post release) from the Taycheedah Correctional Institution. Participants are provided education, support, and other case management services. In addition, support groups are organized through Family Services of Northeastern Wisconsin and Bay Area Workforce Development on an as-needed basis for participants in the Steps to Success program. The entire program is funded by Bay Area Workforce Development and the Department of Corrections (DOC).

Eligibility requirements:

Pre-released: Inmates who are to be released in the next six-nine months, with one year of post-release supervision, must be willing/are able to work full-time (or part-time if attending school). Inmates must also meet the recommended supervision level by the DOC.

Post-released: Inmates can voluntarily attend the program to find & keep employment, locate suitable housing & transportation options, and get connections for education, skills training, and needed supplies to transition back into the community.

Location: Family Services of Northeastern Wisconsin (300 Crooks St, Green Bay)

Contact: Meika Burnikel (mburnikel@familyservicesnew.org, 920-437-3540)

Need help immediately?

Facing a crisis situation?

**Contact the Family Services-
Crisis Center:**

- Call **920-436-8888** for direct assistance
24 hours a day, 7 days a week

Housing

Finding a place to live after being released from prison can be difficult, especially when there are concerns about a new criminal record/background. Try attending one of the support groups or one-on-one mentoring groups (listed on previous pages) to speak directly with ex-offenders going through the same issues. Support group leaders can also provide assistance. Listed below are more resources related to finding housing, both temporary and permanent.

ATTIC Correctional Services, Inc. (Alternative To Traditional Incarceration of Citizens)

ATTIC offers a variety of services, including two housing programs for ex-offenders: Transitional Living Program and Community Residential Program. Referrals to the housing programs must be made through a Parole Officer (PO) or the Department of Corrections (DOC).

Contact: www.correctionalservices.org

Accessing Long-Term Care Facilities

If an ex-offender needs to access any type of long-term care facility (including adult family homes, assisted livings, and nursing homes), it is advisable to tell the admissions director about any current supervision prior to admission. Facilities are responsible to ensure the safety and well-being of all residents. If a facility has a number of vulnerable residents, it could be determined not to admit a particular ex-offender on the basis of protecting other residents.

Contact: Department of Corrections (DOC) (www.doc.wi.gov, 608-240-5000)

Micah Center

If someone is homeless or facing possible homelessness, this daytime drop-in center can help find community resources through one-on-one counseling, case management, classes, and workshops.

Hours: Winter (Nov. 1—April 30) Monday-Friday, 9:00 am-4:30 pm; Sunday, 12:00 pm-4:00 pm
Summer (May 1—Oct. 31) Monday-Thursday, 8:00 am-4:30 pm; Friday, 8:00 am - Noon
Location: 700 E. Walnut St., Green Bay
Contact: 920-617-8700, www.stjohnhomelessshelter.org

Looking for a place to stay?

Trying to find permanent housing?

At risk for homelessness?

Contact 2-1-1:

- Dial 2-1-1 for direct assistance 24 hours a day, 7 days a week

Employment & Education

Employers are concerned about knowing if someone has a criminal record. Legally, they must follow due diligence in the hiring process. Employers can be penalized if they hire someone they knew (or should have known) is dangerous or unfit for a job. They are also concerned if a person with a criminal past may re-offend in the future.

Below are some tips to help start applying for employment. Find agencies in the community that can assist with finding education & employment on the following page of this resource guide (page 7).

Criminal Records & Getting Back Into the Workforce

Understanding Ex-Offender Rights: See an Attorney

Discuss rights and options with an attorney. There are some cases where a person can legally answer “no” on a question about a past offense. In some states, for example, ex-offenders do not have to report arrests that did not end in a conviction, are not currently pending, or cases in pre-trial stages where the conduct may not be considered a criminal offense (i.e. pre-trial diversion or delayed entry of judgment).

Seek Professional Assistance

There are organizations for past offenders. Some of these organizations have relationships with employers who are willing to give an ex-offender a chance. Get help preparing a resume, plus practice interview skills to better answer questions about a criminal background and highlight skills the employer is looking for.

Build a Resume and Find a Job

Most communities provide various programs to help prepare a resume. Family or friends can help, and also be used as references. Finding that first job is important. It may not be the first choice in jobs, but will help rebuild work skills & history. Have patience, as rebuilding a work history takes time.

Be Honest

Almost every application asks if someone has a criminal record. Lying puts someone at risk of losing the job if a record is discovered, no matter the nature of the offense. On the other hand, being honest about a past criminal history could also mean losing the job. The key is to explain a criminal history during the interview process. An employer will see a person with great recommendations and an excellent job history. As a conviction date gets older and a person’s job history is stronger, employers will see the criminal record as less of an issue.

Source: Excerpt from “Privacy Rights Clearing House”, 09/2003, www.privacyrights.org

See an Attorney- *Legal Action of Wisconsin*

- Provides free legal advice and representation in civil matters
- Call **920-432-4645** or **800-236-1127**
- Walk-ins: 201 W. Walnut St., Ste. 203, Green Bay 54303
(Monday-Friday, 8:30 am—4:30 pm)
- Visit www.legalaction.org for more information

Employment & Education

Much like housing, ex-offenders are often afraid to being applying for a job, based on their new criminal background/ history. However, ex-offenders can work even with such a background. Getting connected to professionals is the key to making sure the transition back into the community is successful. Developing a successful work history after being released from prison can help employers see the skills of the ex-offender, and not the criminal background.

Similar to employment, finishing a high school degree (GED) or earning higher education credits can also help make the transition from incarceration to working in the community easier.

Education Casa Alba Melanie

Casa Alba offers courses throughout the year to help anyone in the community study for and complete a GED (General Education Development), or high school equivalency exam.

Hours: Monday-Friday, 10:00 am—4:30 pm
Location: 314 S. Madison St., Green Bay 54301
Contact: 920-445-0104

Literacy Green Bay

This agency offers adults and families the ability to improve skills in reading, writing, math, English language, computers, and other workforce skills. Adult Tutoring and English Language Learner Classes are just two of the programs available, with both day & evening class hours. An onsite computer lab is open to students enrolled in the programs.

Location: Literacy Green Bay (424 S Monroe Ave, Green Bay)
Contact: 920-435-2474

Northeast Wisconsin Technical College (NWTC)

NWTC offers adult education classes for a variety of different degrees, diplomas, and certificates. There are certain eligibility requirements, and potential interested students must fill out an application.

In addition, the NWTC Career Services office is open to the general public. This office provides one-one-one meetings, group assistance, plus events & workshops on job searching & higher education. Using the how-to advice from the Career Services staff is especially helpful for those that do not know where to begin after being released from prison.

Location: NWTC Campus (2740 W Mason St, Green Bay)
Career Services (Student Center, Room SC138)
Contact: Main Office (920-498-5444, 800-422-NWTC)
Career Services (920-498-6250)

Employment Wisconsin Job Center

The Job Center in Brown County is a “one-stop-shop” that offers a large variety of services and programs to both job seekers & employers. Within the center, several agencies provide services to assist people with meeting their employment goals, including job seeking workshops, career counseling, and computer labs. Assistance is also provided in earning a GED (high school degree). Most services are free of charge.

Date: Mondays-Fridays
Time: 7:45 am – 4:30 pm
Location: Brown County Job Center (701 Cherry St, Green Bay)
Contact: www.wisconsinjobcenter.org, 920-448-6760

Sex Offenders

Those convicted of sexual-related offenses have requirements and regulations over & above those convicted of non-sexual-related offenses. To get a better understanding of the resources available in Brown County for sex-offenders, including municipality ordinances/housing requirements and the Sex Offender Housing Board Process, take a look at the section below.

Reporting Requirements

Registered sex offenders have certain reporting requirements in the United States. Each state has a Sex-Offender Registry, which is available to the public through the DOC's website (<http://doc.wi.gov/community-resources/wi-sex-offender-registry>).

Use this section to better understand where and when reporting needs to occur in Brown County.

A registered sex offender must report to the Wisconsin Sex-Offender Registry (WI Registry) if any of the following occur:

- Move or change residence*
- Become incarcerated or on parole**
- Start/Stop working
- Start/Stop volunteering
- Start/Stop going to school

*If moving outside the state of Wisconsin, a person must report to the WI Registry, as well as the new state's registry.

**Incarceration means any length of time (in prison or jail). Notify the WI Registry of the location of incarceration and the anticipated release date. If on parole, the offender must report changes to the parole before they occur (note that permission must be granted by the PO before changes can be made). If not currently on parole but changes will be made, an offender has 10 days after the change to report the information.

Contacting the Wisconsin Sex-Offender Registry can happen in the following ways:

Mail

Wisconsin Sex Offender Registry
PO Box 7925
Madison, WI 53707-7925

Phone

(608) 240-5830
(888) 963-3363

Fax

(608) 240-3355

Email

bopadmin@doc.state.wi.us

After the information is received, a letter to confirm the information will be mailed to the offender. This letter must be signed, dated, and returned by mail within 10 days.

Sex-Offenders– Housing

Finding a place to live after being released from prison can be difficult, especially when there are concerns about a new criminal record/background related to sexual offenses. Try attending one of the support groups or one-on-one mentoring groups (listed on previous pages) to speak directly with ex-sex-offenders going through the same issues. Support group leaders can also provide assistance. Listed below are more resources related to finding housing, both temporary and permanent.

ATTIC Correctional Services, Inc. (Alternative To Traditional Incarceration of Citizens)

ATTIC offers a variety of services, including two housing programs for ex-offenders: Transitional Living Program and Community Residential Program. Referrals to the housing programs must be made through a Parole Officer (PO) or the Department of Corrections (DOC).

Specifically for sex-offenders, ATTIC offers intensive treatment after being released. Treatment can range from aftercare (16-20 weeks) to high-risk (60 weeks). Referrals to the sex-offender treatment programs must be made through a Parole Officer (PO) or the Department of Corrections (DOC).

Contact: www.correctionalservices.org

Accessing Long-Term Care Facilities

If a sex-offender needs to access any type of long-term care facility (including adult family homes, assisted livings, and nursing homes), it is advisable to tell the admissions director about a criminal past prior to admission. Facilities are responsible to assure the safety and well-being of all residents. If a facility has a number of vulnerable residents, it could be determined not to admit a particular ex-offender on the basis of protecting other residents. Also, if a registered sex-offender has residency restrictions due to the nature of the crime, certain facilities might not be an option because of their locations. For example, a nursing home near a school would not accept a registered sex-offender if the ordinance is for children.

Contact: Department of Corrections (DOC) (www.doc.wi.gov, 608-240-5000)

Brown County Community Treatment Center (CTC)

If a sex-offender is homeless and needs assistance finding housing or mental health resources, contact the Brown County Outreach staff, Barb Kramer. Barb can also be contacted through outreach efforts at the local homeless shelters.

Location: Brown County Community Treatment Center (3150 Gershwin Dr., Green Bay)
Contact: Barb Kramer (920-391-6966)

Micah Center

If someone is homeless or facing possible homelessness, this daytime drop-in center can help find community resources through one-on-one counseling, case management, classes, and workshops.

Hours: Winter (Nov. 1—April 30) Monday-Friday, 9:00am-4:30pm; Sunday, 12:00pm-4:00pm
Summer (May 1—Oct. 31) Monday-Thursday, 8:00am-4:30pm; Friday, 8:00am-Noon
Location: 700 E. Walnut St., Green Bay
Contact: 920-617-8700, www.stjohnhomelessshelter.org

Sex-Offenders– Housing

Brown County municipalities have different restrictions on where sex-offenders can live. This can make finding housing difficult when re-entering into society. With a little planning, however, a sex-offender can be successful.

NOTE: Housing restrictions for sexual offenses apply only to charges that involve a minor. The tier applied to a sexual offense/sex-offender will determine the restrictions.

Municipality Ordinances See the list below to determine if (“yes”) a municipality has an ordinance for housing/ residential density restrictions, or (“no”) does not have an ordinance for housing.

The municipalities listed below do not have housing (residential density) restrictions, but they do have restrictions against loitering.

Yes	No
Allouez	Humboldt Greenleaf
Ashwaubenon	Morrison Ledgeview
Denmark	New Denmark Rockland
Eaton	Pulaski
Glenmore	Scott
Green Bay* (city & town)	Suamico
Holland	Wrightstown
Howard	

Loitering	Report to Police Department for Housing Permission
Bellevue	Bellevue
De Pere	De Pere
Hobart	
Lawrence	

[Contact the individual municipality for the most current ordinance information.]

*The City of Green Bay regulates how closely certain sex offenders **can be** to schools, parks and day care centers (proximity ordinance). The City of Green Bay also regulates how closely certain sex offenders **can reside** to schools, parks, and day care centers (residency ordinance). These regulations apply to sex-offenders convicted of sexual offenses against children.

Sex Offender Housing Board Process (City & Town of Green Bay)

If a sex-offender wants to live in a restricted area, the offender must apply through the Sex Offender Housing Board. There are steps to follow in the application process:

1. Complete a Sex Offender Residency Application.
(Available at the City of Green Bay’s website, www.greenbaywi.gov. Click on Departments, City Attorney’s Office, Resources, and then Sex Offender Information.)
2. Submit the completed application to the City of Green Bay.
(City of Green Bay Clerk, 100 N. Jefferson St., Room 106, Green Bay, WI 54301)
3. The offender will be notified of the date and time of the appeal hearing before the Green Bay Sex Offender Residence Board. This could be 30-45 days after the city receives the appeal application.

NOTE: The Green Bay Sex Offender Residence Board meets the second Wednesday of every month. Applications must be received by the previous Wednesday in order to be on the agenda for that month.

Some important information required on the Sex Offender Residency Application:

- Address of the residence the sex-offender intends to move to
- Listing of sexual offenses and criminal history
- Completed treatment programs

2-1-1 Database Plus Sites

The Brown County United Way 2-1-1 Database provides confidential, easy-to-use, and free help finding non-emergency services in the community. The agencies listed below are considered 2-1-1 Database Plus Sites because they provide free computer, internet, or phone access to use the database during their regular business hours.

Dial **2-1-1** (24 hours a day, 7 days a week) or visit the website (www.get211.org).

NOTE: This is not a complete list of 2-1-1 Database Plus Sites.

Brown County Library–

All Branches

Locations:
 Central (515 Pine St., Green Bay 54301) (920-448-4400)
 Ashwaubenon (1060 Orlando Dr., Green Bay 54304) (920-492-4913)
 Denmark (450 N. Wall St., Denmark 54208) (920-863-6613)
 East (2255 Main St., Green Bay 54302) (920-391-4600)
 Kress/De Pere (333 N. Broadway, De Pere 54115) (920-448-4407)
 Pulaski (222 W. Pulaski St., Pulaski 54162) (920-822-3220)
 Southwest (974 Ninth St., Green Bay 54304) (920-492-4910)
 Weyers-Hilliard/Howard (2680 Riverview Dr., Green Bay 54313) (920-448-4405)
 Wrightstown (3615 Main St., Wrightstown 54180) (920-532-4011)

Literacy Green Bay

Location: 424 S. Monroe Ave., Green Bay 54301
 Phone: 920-435-2474
 Hours: Monday-Thursday, 9:00am-5:00pm

Neighborworks Green Bay

Location: 437 S. Jackson St., Green Bay 54301
 Phone: 920-448-3075
 Hours: Monday-Friday, 9:00am-4:00pm

NEW Clinic at NWTC

Location: 2740 W. Mason St., Green Bay 54304
 (Health Sciences Center)
 Phone: 920-498-5436
 Hours: Monday-Thursday,
 7:30am-12:00noon & 1:00-5:00pm

The Gathering Place

Location: 1001 Cherry St., Green Bay 54301
 Phone: 920-430-9187
 Hours: Monday, Tuesday & Friday, 11:00am-4:00pm;
 Wednesday & Thursday, 11:00am-8:00pm

The Salvation Army

Location: 626 Union Ct., Green Bay 54303
 Phone: 920-497-7053
 Hours: Monday-Friday, 8:00am-4:30pm

Wisconsin Job Center

Location: 701 Cherry St., Green Bay 54301
 Phone: 920-448-6772
 Hours: Monday-Friday, 7:45am-4:30pm

ADRC

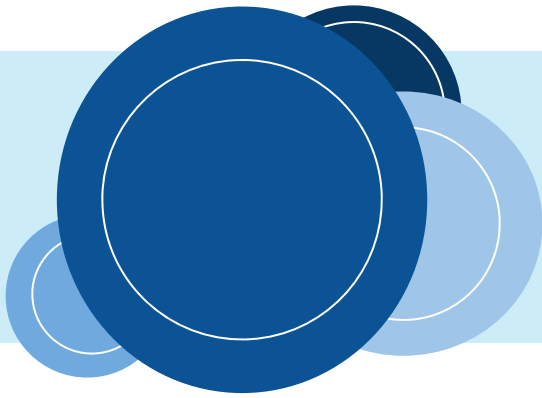
Location:
 300 S. Adams St.,
 Green Bay 54301

Phone:
 920-448-4300

Hours:
 Monday-Friday,
 8:00am-4:30pm

Assists older adults
 (60+), adults with
 disabilities (17 years &
 6 months-59), and their
 caregivers.

Talk to ADRC staff to
 get answers to
 questions and find the
 right resources in the
 community.



Dial 2-1-1 or Go Online

Brown County United Way 

2-1-1

Get Connected. Get Answers.

www.get211.org

*Produced from the community partnership of the Brown County 2-1-1 Database
(Brown County United Way, ADRC of Brown County,
and Family Services of Northeastern Wisconsin).*

Material and information provided through the assistance of these community partners:

The ATTIC Correctional Services, Inc.
Brown County Community Treatment Center
JOSHUA
Micah Center
Prison After Care Network

Updated: August 2016

Exhibit 4C

Wisconsin Department of Public Instruction
High School Equivalency Diploma

This certifies that

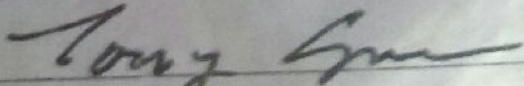
BRENDAN R. DASSEY

has met the requirements of a high school course of study or its equivalent as determined
by the State Superintendent of Public Instruction and is herewith granted this

State of Wisconsin High School Equivalency Diploma.

Given under my hand and seal of office in
the city of Madison, Wisconsin, this 1st
day of October 2019.

Equivalency Diploma Number 222070



State Superintendent