

'Making a Murderer' Prosecutor Emails Us 9 Reasons Steven Avery Is Guilty

TV | By **Beatrice Verhoeven** on January 4, 2016 @ 3:34 pm

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Netflix

Ken Kratz details to TheWrap key evidence he says was left out of Netflix docu-series Since “Making a Murderer” made him famous last month, former Wisconsin prosecutor Ken Kratz hasn’t been shy about defending his work in the 2005 murder prosecution of Steven Avery and Brendan Dassey. On Monday, TheWrap reached out to him about suggestions in the Netflix docu-series that his office railroaded two innocent defendants.

In an email to TheWrap on Monday, Kratz strongly rejects the criticisms, saying the documentary series got it wrong.

The email concludes with Kratz saying Netflix should “either provide an opportunity for rebuttal, or alert the viewers that this series was produced by and FOR the defense of Steven Avery, and contains only the opinion and theory of the defense team.”

Here is his email in its entirety. The former District Attorney responding to our question about whether he believed the docu-series left out any evidence:

““ *Examples for you to consider:*

1. Avery’s past incident with a cat was not “goofing around”. He soaked his cat in gasoline or oil, and put it on a fire to watch it suffer.

2. Avery targeted Teresa. On Oct 31 (8:12 am) he called AutoTrader magazine and asked them to send “that same girl who was here last time.” On Oct 10, Teresa had been to the Avery property when Steve answered the door just wearing a towel. She said she would not go back because she was scared of him (obviously). Avery used a fake name and fake # (his sister’s) giving those to the AutoTrader receptionist, to trick Teresa into coming.

3. Teresa’s phone, camera and PDA were found 20 ft from Avery’s door, burned in his barrel. Why did the documentary not tell the viewers the contents of her purse were in his burn barrel, just north of the front door of his trailer?

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““ *4. While in prison, Avery told another inmate of his intent to build a “torture chamber” so he could rape, torture and kill young women when he was released. He even drew a diagram. Another inmate was told by Avery that the way to get*

rid of a body is to “burn it”...heat destroys DNA.

5. The victim’s bones in the firepit were “intertwined” with the steel belts, left over from the car tires Avery threw on the fire to burn, as described by Dassey. That WAS where her bones were burned! Suggesting that some human bones found elsewhere (never identified as Teresa’s) were from this murder was NEVER established.

6. Also found in the fire pit was Teresa’s tooth (ID’d through dental records), a rivet from the “Daisy Fuentes” jeans she was wearing that day, and the tools used by Avery to chop up her bones during the fire.

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*7. Phone records show 3 calls from Avery to Teresa’s cell phone on Oct 31. One at 2:24, and one at 2:35—both calls Avery uses the *67 feature so Teresa doesn’t know it him...both placed before she arrives. Then one last call at 4:35 pm, without the *67 feature. Avery first believes he can simply say she never showed up (his original defense), so tries to establish the alibi call after she’s already been there, hence the 4:35 call. She will never answer of course, so he doesn’t need the *67 feature for that last call.*

8. Avery’s DNA (not blood) was on the victim’s hood latch (under her hood in her hidden SUV). The SUV was at the crime lab since 11/5...how did his DNA get under the hood if Avery never touched her car? Do the cops have a vial of Avery’s sweat to “plant” under the hood?

9. Ballistics said the bullet found in the garage was fired by Avery’s rifle, which was in a police evidence locker since 11/6...if the cops planted the bullet, how did they get one fired from HIS gun? This rifle, hanging over Aver’s bed, is the source of the bullet found in the garage, with Teresa’s DNA on it. The bullet had to be fired BEFORE 11/5—did the cops borrow his gun, fire a bullet, recover the bullet before planting the SUV, then hang on to the bullet for 4 months in case they need to plant it 4 months later???

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There is more of course. But I'm not a DA anymore. I have no duty to show what nonsense the "planting" defense is, or why the documentary makers didn't provide these uncontested facts to the audience. You see, these facts are inconsistent with the claim that these men were framed—you don't want to muddy up a perfectly good conspiracy movie with what actually happened, and certainly not provide the audience with the EVIDENCE the jury considered to reject that claim.

Finally, I engaged in deplorable behavior, sending suggestive text messages to a crime victim in Oct 2009. I reported myself to the OLR. My law license was thereafter suspended for 4 months. I have withstood a boat-load of other consequences as a result of that behavior, including loss of my prosecution career. However, I've enjoyed sobriety from prescription drug use for over 5 years now, and refuse to be defined by that dark time of my life. All of this occurred years after the Avery case was concluded...I'm unclear why the defense-created documentary chose to include this unpleasantness in this movie, especially if the filmmakers had no agenda to cast me as a villain. I am not a victim in that whole texting scandal—then again, it's exceedingly unfair to use that to characterize me as morally unfit.

To identify Lt. Lenk, Sgt. Colburn and myself as being "responsible" for the framing and knowing false murder conviction of Steven Avery is irresponsible, and inconsistent with a consideration of all the evidence presented. Netflix should either provide an opportunity for rebuttal, or alert the viewers that this series was produced by and FOR the defense of Steven Avery, and contains only the opinion and theory of the defense team.

Thanks for your consideration.

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