

**EMBARGOED UNTIL**  
**October 2, 2019**

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**LAWYERS FOR BRENDAN DASSEY FILE PETITION FOR  
EXECUTIVE CLEMENCY WITH THE OFFICE OF GOVERNOR TONY EVERS**  
*Petition Supported by Disability Experts, Law Enforcement Authorities, Victim Advocates and Educators*  
*Public encouraged to voice support at [www.BringBrendanHome.org](http://www.BringBrendanHome.org)*

**MILWAUKEE** – Today, lawyers for Brendan Dassey filed a petition for executive clemency with the Office of Governor Tony Evers. The petition asks Governor Evers to consider both a pardon, which would result in Brendan’s immediate release and the restoration of some of his legal rights, and a commutation, which could result in his immediate release or shorten his sentence and would leave the convictions intact. Grounds for clemency include both Brendan’s innocence and the extreme length of his sentence.

“Governor Evers has said that freeing people who don’t need incarceration is a moral issue. Brendan Dassey is the living embodiment of that moral issue,” said Laura Nirider, co-director of the Center on Wrongful Convictions at Northwestern Pritzker School of Law (CWC) and an attorney for Brendan Dassey.

At a news conference announcing the filing, attorneys Laura Nirider and Steven Drizin were joined by a wide range of supporters of the petition, including disability experts, law enforcement authorities, victim advocates and educators. Those supporters included: Seth Waxman, former U.S. Solicitor General and attorney for Brendan Dassey Seth Waxman; Dave Thompson, national police trainer; Dr. Sally Miles, Madison-based speech language pathologist; Jeanne Bishop, victims’ rights advocate and criminal defense attorney; Lisa Pugh, State Director of The Arc Wisconsin; Barb Dassey, Brendan Dassey’s mother; Carla Chase, Brendan Dassey’s cousin; and Ben Ward, Executive Director of the Milwaukee Teachers Education Association.

“Brendan has served more than thirteen years in prison for a crime he didn’t commit. We look forward to Governor Evers’ review of the evidence and hope he’ll reach the same conclusion – that there is no one more deserving of clemency than Brendan Dassey,” said Steven Drizin, co-director of the CWC and an attorney for Brendan Dassey.

In 2007, special education student Brendan Dassey was sentenced to life in prison based on a videotaped confession he gave at age 16 that is now widely understood to be false. Incarcerated since age 16, Brendan will turn 30 years old on October 19, 2019. He is not eligible for parole until 2048, at which time he will be 59 years old.

Brendan came within days of release in 2016, after a federal judge in Milwaukee developed “significant doubts as to the reliability of Dassey’s confession” and ordered his release. That order was reversed by a sharply divided Chicago appeals court, which found, in a 4-3 decision, that even though Brendan was “offer[ing] what seemed like guesses” during the interrogation, that did not create a legal requirement that his conviction be overturned. The dissenting judges, led by Chief Judge Diane Wood, called the ruling a “profound miscarriage of justice.”

“Our judicial system too often fails to prevent wrongful convictions based on false confessions – particularly when, as here, the federal habeas statute limits the federal courts’ ability to enforce the protections that should apply in the interrogation room,” said Seth Waxman, former U.S. Solicitor General and an attorney for Brendan Dassey. “Where the courts fail, we look to the Governor to deliver justice. Today, we call on Governor Evers to deliver justice for Brendan Dassey.”

"At its best, clemency has always been used for cases where our good but imperfect criminal justice system does not bring justice or locks out mercy. This is one of those cases," said Mark Osler, University of St. Thomas Law School professor and clemency expert.

Brendan's case has led to many reforms, including new statutes in Illinois and California requiring counsel for children in the interrogation room. His interrogation videotape is also now used to train police nationwide "how *not* to interrogate" disabled kids, says David Thompson, Vice President of Operations at leading police training firm Wicklander Zuluski.

Brendan's story was featured in the Emmy-award winning Netflix series *Making a Murderer*, which was viewed by tens of millions across the globe. Because of a global outpouring of interest, an exclusive interview with Brendan Dassey was also released today on the podcast [\*Wrongful Conviction\*](#) with Jason Flom.

The petition has received support from Wisconsin educators, disability experts, law enforcement authorities, and victims' rights advocates (see enclosed statements of support). In addition, advocates have created an online petition at [www.BringBrendanHome.org](http://www.BringBrendanHome.org) to support Brendan's clemency petition and bring attention about the case to the Office of Governor Evers.

For additional media resources, including a copy of the petition for executive clemency, please visit [www.MuellerCommunications.com/Dassey](http://www.MuellerCommunications.com/Dassey).

**About the Center on Wrongful Convictions at Northwestern Pritzker School of Law**

*Co-directed by Steven Drizin and Laura Nirider, the Center on Wrongful Convictions is a nonprofit legal clinic that represents children and teenagers who have been convicted of crimes they didn't commit. Housing some of the world's leading experts on interrogations and confessions, the CWC has exonerated nearly 50 individuals.*

### **A Summary of Brendan's Case**

On October 31, 2005, Wisconsin resident Teresa Halbach went missing. Her remains, along with several other pieces of forensic evidence, were found days later on the Avery Salvage Yard property outside Manitowoc, leading to the arrest of Steven Avery. No forensic evidence connected Avery's nephew, sixteen-year-old special education student Brendan Dassey, to Ms. Halbach's disappearance in any way.

Months later, investigators questioned Brendan about Avery's activities on the night of Ms. Halbach's disappearance. Brendan was in the tenth grade at Mishicot High School, where special education professionals had assessed his overall cognitive functioning in the lowest percentile. His disabilities centered around his ability to use and understand speech, which also ranked in the lowest percentile.

Brendan was interrogated four times over a period of 48 hours spanning from February 27 to March 1, 2006. Despite Brendan's profound intellectual limitations, no parent or guardian was notified before questioning commenced on February 27. Indeed, no adult was present on Brendan's behalf during three of the four interrogations.

Over the course of these four interrogations, investigators falsely told Brendan that the D.A. was thinking of charging him unless he was willing to "fill in" the "gaps" in their understanding of what happened to Teresa Halbach. If he did provide information that fit with what the investigators already believed to be true, on the other hand, he was assured that the investigators would "go to bat" for him and ensure that he'd be "all right" and have "nothing to worry about." Thus motivated, Brendan offered a story that was rambling, inconsistent, and often nonsensical. Investigators repeatedly had to steer him back to a narrative that fit the evidence by revealing information about the crime that Brendan then incorporated into his account. In the most damning moment of the interrogation, Brendan was unable to describe how Ms. Halbach had died, despite multiple wrong guesses, until investigators told him that she had been shot in the head.

In a judicial opinion, Judge Ilana D. Rovner of the U.S. Court of Appeals for the Seventh Circuit described Brendan's confession as follows:

*Unlike the ordinary course of a confession in which the narrative increases in clarity as the suspect reveals more information, this interrogation was just the opposite. Every time the interrogators protested the veracity of Dassey's account or fed Dassey information, his story changed. If one sits in front of the taped confession with a legal pad and tries to sketch out the details and timeline of the crime, the resulting map is a jumble of scratch outs and arrows that grows more convoluted the more Dassey speaks. In fact, despite what the State describes as a detailed confession, it has never been able to map out a coherent timeline of the crime, or to figure out in what order or where many of the events occurred.*

Based on the resulting confession, Brendan Dassey was convicted and sentenced to life in prison with no eligibility for parole until 2048.

Brendan came within days of freedom in 2016, after Milwaukee-based federal magistrate judge William Duffin developed "significant doubts as to the reliability of Dassey's confession" and overturned his conviction. After reviewing Brendan's "exceedingly benign" prison record, which betrayed "no hint of violent or antisocial behavior," Judge Duffin also ordered Brendan's release from prison. That order was later stayed as a result of an appeal filed by the Wisconsin Solicitor General's Office.

Upon appeal, Magistrate Judge Duffin's decision was affirmed by a panel of the United States Court of Appeals for the Seventh Circuit, but it was later reversed in a 4-3 *en banc* decision. That *en banc* decision concluded, among other things, that evidence of a confession's unreliability does not require, under the Constitution, that the confession be thrown out or that the resulting conviction be overturned. In dissent, Chief Judge Diane Wood called the decision "a profound miscarriage of justice."

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