

STATE OF WISCONSIN,

Plaintiff,

v.

BRENDAN R. DASSEY,

Defendant.

**AFFIDAVIT REGARDING DEFENDANT'S
REQUEST FOR NEW COUNSEL**

Case No. 06 CF 88

LEN KACHINSKY, being duly sworn, states that:

1. I am the attorney for the defendant (hereinafter Dassey) in the above matter.. I was appointed by the State Public Defender (SPD) on March 3, 2006. I have been an attorney licensed in Wisconsin since 1978. My primary area of concentration is criminal and traffic trials and appeals. I am one of approximately four attorneys in Wisconsin certified as a criminal trial specialist by the National Board of Trial Advocacy. The SPD maintains a special list of attorney for "Crimes Against Life." There are approximately seven private bar attorneys in all of Northeastern Wisconsin on said list. If I was discharged by the court as Dassey's attorney, the SPD would attempt to appoint another private bar attorney from Northeastern Wisconsin from that list. If unable to find a private bar attorney to take the case in northeastern Wisconsin, the SPD would have to solicit attorneys from other areas of the State, including Milwaukee and Madison.

2. As of May 26, 2006, I spent over 140 hours representing Dassey in the above matter. Services provided included but were not limited to the following:

a. Six in-person meetings at the Sheboygan County Juvenile Detention Center with Dassey of between 45 minutes to two hours in length.

b. Preparation of and legal research in connection with motions for bond modification, suppression of statements and change of venue.

c. Review of several bank boxes of paper discovery material and CD's of electronically recorded discovery.

d. Numerous in-person and phone conferences and e-mails with Barbara Janda, State investigators, Special Prosecutor Kratz, Attorney Stang, Allen Avery and others.

e. Made arrangements for and reviewed results of special psychological testing on Dassey by a defense expert.

f. Obtained authorization from the SPD for and hired an investigator to assist in case preparation. Said investigator has had numerous conferences and other communications with Dassey, his relatives, State investigators and the undersigned attorney.

3. From my observations, there has not been a breakdown of the attorney-client relationship. Since the court issued its decision on the motion to suppress on May 12, 2006, Dassey and I have discussed what would occur at a trial. I have given him my opinion as to the jury's likely perception would be of the known evidence. We have discussed evidence we might have available to counter the State's evidence. We have discussed the advantages and disadvantages to different approaches to his case. Dassey appeared to understand the issues on an intellectual level but was emotionally conflicted and unwilling to make any firm decisions. The tone of the conversations was relaxed and casual. At the end of one of the discussions during the week of May 21-27, 2006, Dassey showed me a piece of paper with the name of an attorney from the Sheboygan Country area he claimed might be representing him. It appeared to be someone else's writing. I later verified the name with Barbara Janda. She indicated that the attorney was someone she thought was nice from Janda talking with her. I explained to her (as I had explained to Dassey) that if I was discharged the procedures outlined in paragraph 1 of this affidavit would be followed and that the particular attorney named was not on the "Crimes against Life" list. Dassey's comments at the end of our conversation about discharging me appeared rehearsed. When I had a subsequent in-person conversation with Dassey, it was cordial. We discussed general issues and procedures regarding the case and engaged in small talk about movies and TV shows. Dassey wanted more time to think about decisions regarding his case.

4. Barbara Janda, Dassey's mother, is Steve Avery's sister. In spite of numerous invitations to do so by State investigators, she has been unwilling to review the March 1, 2006 videotape. Nevertheless, she has made several statements to the media expressing an opinion that the statement was coerced and untrue.

5. On April 16, 2006, Dassey told an investigator for the defense that Barbara Janda had urged him several times to discharge me as his attorney but that he had declined to do so. She had also discussed other aspects of the case with him since his arrest. The same investigator informed the undersigned that during an in-person interview he subsequently conducted with Janda at her residence that she received several attempted collect calls from Steve Avery.

6. Upon information and belief, the Calumet County Sheriff's Department has monitored several jail conferences and phone conferences with Avery relatives during which Steve Avery has indicated that Dassey should discharge me as his attorney. Further, the same relatives have subsequently visited Dassey in the Sheboygan County Juvenile Detention Center or been in contact with those who were going to do so.

Dated this 30th day of May, 2006.

Len Kachinsky

Sworn and subscribed to before me this 30th day of May 2006.

Notary Public, Outagamie County

My commission:

Orig: Clerk of Courts, Manitowoc County

Copy: Special Prosecutor Kenneth Kratz

Brendan Dassey