

# How to get away with mistrial

*The real problem with Netflix's Making a Murderer*

**NATALIE MURPHY**

Co-editor-in-chief

"Poor people lose all the time."

Steven Avery sat in his jail cell in Manitowoc County, Wisconsin, dressed in Mr. Monopoly's cartoon jumpsuit, on the phone with the only people who believed his story: his parents. A jury of his peers was being assembled to decide whether he should go back to the same prison to which he was wrongfully sentenced 20 years earlier, after being framed for the rape of a local woman.

"They got to my head."

Brendan Dassey, Avery's nephew, sat in an interrogation room with his mother, the only person who was still on his side after he gave testimony confessing that he was involved in the mutilation and murder of Teresa Halbach. Dassey, who was 16 at the time, was more concerned with getting back to school to finish his science project than the pending murder investigation. A cold blooded killer, clearly.

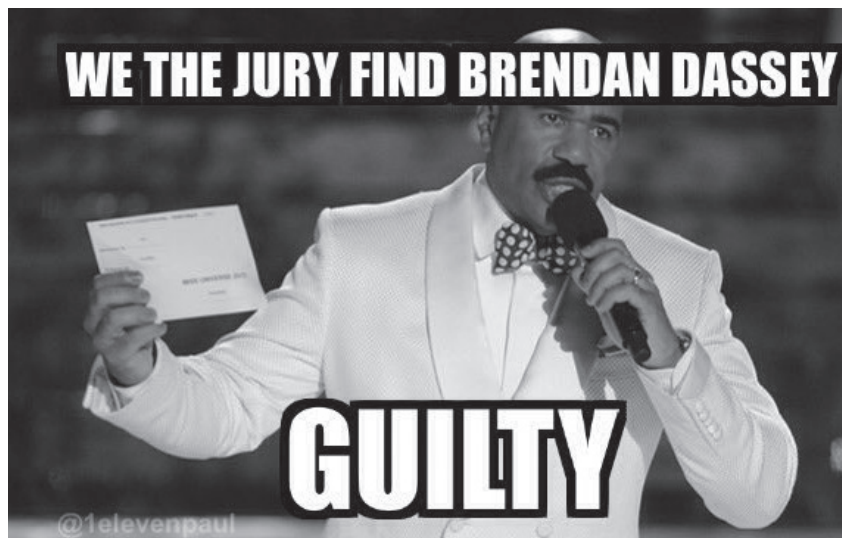
"This can't be happening."

I sat on my couch, yelling at a 2006 courtroom filled with people who can't hear me.

*Making a Murderer*, the Netflix original documentary about the Avery and Dassey trials, both of which took place in rural Wisconsin in 2007, has flooded news feeds and online forums since the documentary's release on Dec. 18. Among those angry Internet commentators is me. I stayed up until three in the morning for a solid week, both intrigued and disgusted by the controversial details that made up the famous case.

Though there have been hundreds of reviews, theories and protests to prove Avery innocent of the 2005 murder, my own psyche can't get past the hot mess that was the Dassey trial.

The documentary shows Dassey's confession, clearly exposing the corrupt manipulation used by his interrogators. It was in the best interest of the Manitowoc County Police Department to put Avery behind bars due to his recent lawsuit against them after his exoneration from a 1985 conviction after new evidence suggested that Avery had been framed. Dassey's confession was the strongest evidence the



Brendan Dassey (right) cries to his mother Barb Tadych (left) after police interrogation. Image courtesy of Netflix.

state had to this point. It put Teresa Halbach in Avery's garage at the time of her murder, and a 16-year-old with learning disabilities behind bars for life.

The coerced confession was not the only travesty committed by the state in Dassey's trial. The original attorney assigned to Dassey by the state, Len Kachinsky, expressly told Dassey he believed he was guilty and kept Dassey's legal guardian from crucial information and communication during the trial. When Dassey requested a new lawyer, he was originally denied one. It wasn't until Avery's attorney, Dean Strang, stepped in to provide crucial evidence against Kachinsky that the court finally granted Dassey an unbiased lawyer. Still the damage done by



Kachinsky's investigator who coerced Dassey into further false testimony was not sticken from the prosecution case against him.

Another legal blunder was that no one ever explained why Dassey's mother, his legal guardian, wasn't present for his interrogation. Even worse, they never asked for her consent to interrogate him and then told Dassey that she had granted her consent. All of these acts are criminal offenses since Dassey was a minor at the time.

The prosecution also never shared the gaping holes in Dassey's own testimony. On the stand, Dassey finally spoke up for himself, and explained in a bombshell statement that he read his "testimony" directly from the plot of a novel he had read in school. Dassey's testimony

depicting Avery's alleged act of murder mirrors the violence found in James Patterson's *Kiss the Girls* and is every bit as fictional.

And then the final straw: the confession video. The interrogators desperately wanted Dassey to confess that he shot Halbach in the head, so they set him up with the prompt, "What happened to her head, Brendan?"

"We cut her hair?" He wants so badly to get the story right; you can hear it in his voice.

Dassey goes on to confess to a series of violent events he hopes could possibly be the end to his prosecutors' blatant manipulation. Finally, the detective gives up: "Who shot her, Brendan?"

I rose from my seat in shock. "You can't do that!" Surely this was the end. This was the episode where the Manitowoc Sheriff's Department gets shut down, Avery and Dassey go home and their family finally gets some justice. But no, Dassey is found guilty of all counts against him and sentenced to life in prison.

Other than these plot points, the documentary focuses primarily on Avery's trial, and rightful so. The prosecution is riddled with reasonable doubt and unanswered questions. But for me the biggest miscarriage of justice carried by the state of Wisconsin is Dassey's conviction.

Honestly, I don't know if Steven Avery is guilty or not. But when a 16-year-old kid who was coerced by detectives, bullied by his biased lawyer and used as the prime evidence against his own uncle admits under oath that he took his confession directly from the plot of a novel he read in school is sent to prison for life, I can't sit by and watch anymore without calling for real change.

We shouldn't walk away from our binge watching of this show, forgetting its plot as soon as we're hooked on the next sitcom Netflix "recommends for you." Regardless of opinions about Avery's role in this murder, the truth we should be taking from the show is that when the system is threatened, we are all suspects in this case. If investigators can get away with feeding classified information to 16-year-old and call it a confession, what is keeping any of us from being framed? If our justice system fails even one person, it has failed us all.

# Failure can launch

*Texas should eliminate testing instead of changing program's standards*

Early this year, the Texas Senate voted to pass a bill to allow seniors who failed up to two of the five required STAAR tests in high school to graduate. Before the bill was passed, students were required to take, and pass, standardized tests in English I and II, Biology, Algebra I and United States History. After the passing of this bill in February, students who failed one or two STAAR tests but maintain passing grades and meet all other graduation requirements can still receive their diplomas.

Though the bill makes it possible for more seniors to walk in June, the bill is going to negatively affect the standardized testing process in years to come. It would make more sense for the legislature to eliminate the tests all together.

As the state spends more and more money on testing security, efficiency and difficulty, students are becoming more and more aware of the decreasing chances that the tests will affect their academic success. Once a student is made aware that the test they are taking is unnecessary in their high school career, they will take it far less seriously, and all of the money spent on those failed tests will be wasted.

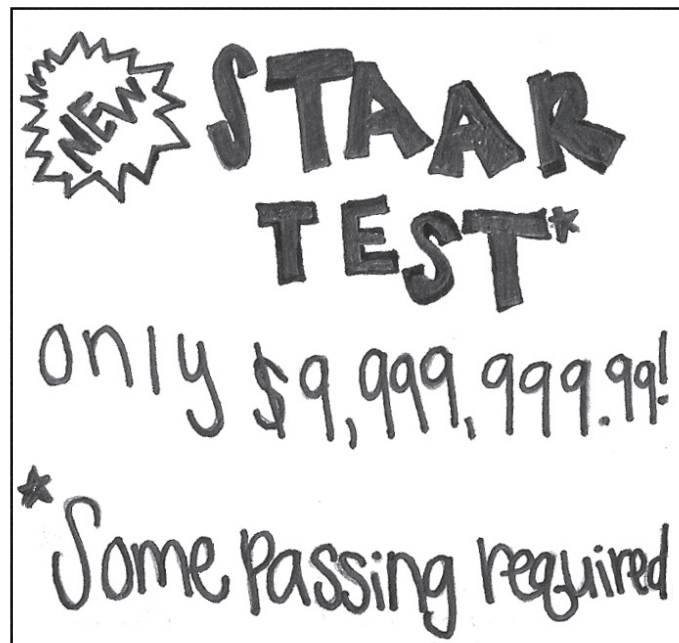
Every year, each school's administration is going to

have to sit down and decide whether the students who have failed STAAR tests should be eligible to graduate. This is going to require further spending of time and money, as well as leave the eligibility of students to graduate up to individual opinions instead of defined standards. All in all, billions of dollars are being spent on tests that aren't being passed or affecting individual student's education in any way other than replacing five days of classroom learning time with five days of sitting in a monitored room and eating snacks while they wait for their peers to finish filling in scantrons.

As Texas reduces the intensity of the STAAR testing program more and more each year, students and administration's commitment to success in standardized testing also decreases. If the millions of dollars spent by Texas education to produce, distribute, monitor and grade the standardized tests were spent in the classroom, increasing the quality of public education, students would be more likely to meet the many other requirements for graduation that keep thousands of seniors off

the stage every year.

The STAAR testing program is clearly in decline as the Senate makes modifications to it almost every year. An immeasurable amount of time and energy could be saved if the program was cut now and the money was relocated to improving individual classroom standards across the state.



Graphic by Natalie Murphy

the shield staff

A.N. McCallum High School 5600 Sunshine Dr. Austin, TX 78756  
(512) 414-7539 fax (512) 453-2599  
contact.macshield@gmail.com

**editors-in-chief** HALEY HEGEFELD AND NATALIE MURPHY

**assistant editors**

MARA VANDEGRIFT  
RACHEL WOLLEBEN

**sports editor**

BEN BROWN

**design editor**

HANNAH ILAN

**photo editors**

MAYA COPLIN  
JULIA ROBERTSON

**adviser**

RHONDA MOORE

**reporters**

KEAGAN ALEMAN, MEENA ANDERSON, BELLA CUDE, EMMA CUNNINGHAM, RONALD DOTSON, AIDEN FOSTER, NICK ROBERTSON, MARY STITES, SEREN VILLWOCK

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# Where credit is due

*New 90 percent attendance policy unfair standard for students, parents*

On Dec. 16, McCallum parents received a letter from principal Mike Garrison outlining the details of the new attendance policy put into effect on Jan. 1. The most significant change for parents and their children is that students attend 90 percent of the days in each class in order to earn credit for that course.

This means the student can only miss three or four classes or fewer per semester. Another change causing controversy among parents and students is the new policy regarding which kinds of absences count against the policy and which do not. Among these unexcused absences that count are any cause by an illness that is not justified by a doctor's note, prohibiting parents from excusing their child's absence through a note explaining that they were at home on the day of the absence.

In the past, a student with no credit in a class due to absences can make up the days they missed through Saturday school attendance, tutoring hours or proof of community service. The policy put into effect on Jan. 1 eliminates the option of using community service to recover credit and only leaves tutoring outside of school hours and Saturday school as means to recover credit. Furthermore, students only have 30 days after the start of the semester to turn in hours to make up for their absences from the previous semester.



Comic by Rachel Wolleben.

The attendance policy is inconsistent with the desire of AISD to ensure that every student graduates on time, but it also is unfairly biased towards those with better access to the resources required to maintain 90 percent attendance. The piece that makes the least sense is the idea that if a student is sick, their only two options are to go to a doctor or go to school. Doctor's appointments are expensive and unnecessary with most common illnesses. Attending school with an illness prevents the student from recovery and exposes other students and faculty to contamination. Even if a student just left their illnesses unexcused, they would

have to carefully plan to miss less than 10 percent of their classes, which is unreasonable since there's no way to calculate how often you'll be sick.

Restoring credit for one class requires a minimum of four hours of tutoring, or one morning of Saturday school. But if a lack of transportation, family emergencies or chronic illness is the reason for the student missing the in the first place, it isn't logical to assume the student will have the time to recover all of the hours they missed. There needs to be a system in place to account for circumstances students and parents simply can't control, but this attendance policy removes the ability for parents to decide when it is inappropriate for their child to show up to class, and this is a right every parent should have. To take that right away is to overstep a school district's jurisdiction.

Of course it is practical for the school to keep some sort of accountability in place for students who don't have a proper reason for missing class or use false community service hours to avoid having to make up the work they've missed. The school administration is merely following a policy dictated by Texas legislation; however, the methods that the central administration are prescribing in order to enforce the law are both unreasonable and unfair.

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contact.macshield@gmail.com

**editors-in-chief** HALEY HEGEFELD AND NATALIE MURPHY

## assistant editors

MARA VANDEGRIFT  
RACHEL WOLLEBEN

## sports editor

BEN BROWN

## design editor

HANNAH ILAN

## photo editors

MAYA COPLIN  
JULIA ROBERTSON

## adviser

DAVID WINTER

## reporters

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# Leave the lights on

*Gov. Abbott should welcome refugees into state due to large scale humanitarian crisis*

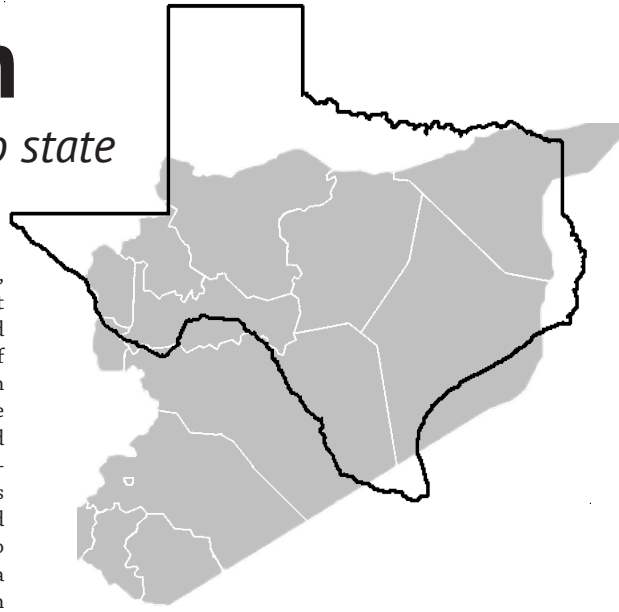
On Nov. 16 Texas governor Greg Abbott announced via Twitter that under his instruction the state would not be accepting any refugees fleeing conflict in Syria or Iraq. The governor explained that due to the terrorist attacks in Paris earlier in the month, the risk of terrorists entering the country through the refugee resettlement program is too high. Abbott joined 30 other governors, including those from Louisiana, Georgia and Alabama, in proclaiming that Syrian refugees were not welcome.

The Governor's plans to reject those people whose lives ISIS has virtually destroyed isn't only morally wrong, it is not his right. It is not under a Governor's jurisdiction to make such a wide declaration about a national issue. It's an issue of national security and foreign relations, neither of which Gov. Abbott has any control over. To make a declaration that represents an entire state full of people without their consent is not only arrogant, but unconstitutional. The freedom of Texas voters to open their own homes to refugees and use their own resources to support others is a right that is being dangerously infringed upon.

Perhaps the biggest flaw in Gov. Abbott's idea of homeland security is the isolation of the thousands refugees al-

ready living in Texas, many of whom are not only being persecuted for their country of origin but their religion as well. The intolerance of the rhetoric used in Gov. Abbott's comments about refugees has put refugees and other immigrants who are legal residents in a position of segregation that is against everything the state, and the nation, is built upon. If any other group citizens in Texas was persecuted for their background and beliefs or robbed of a sense of liberty, there would be riots in the street. If everything really is bigger in Texas, then it makes no sense for our government to insist on extinguishing the vibrant and significant presence of culture and diversity.

While the tragic attacks in Paris and Beirut are a legitimate concern, especially after ISIS has made open declara-



tions of violence against the United States. It is reasonable for the governor to be concerned about the potential threat against his state, but targeting those who are fleeing that same evil is counterproductive. The creation of ISIS was founded on extreme jihadist beliefs that violence should be used to enforce superiority over other people groups. When we cower in fear and refuse to support those most directly affected by this cruelty, we are handing ISIS their victory on a silver platter. If we stand strong in our belief that every man is created equal and deserves basic

human rights, if we look the Islamic state directly in the eyes and say we will not back down from who we are and what we believe, then we have won this battle like so many of the other fights we have conquered as a nation. For a state that continuously shouts "come and take it" at the top of our lungs, we have done quite a job waving our white flag to ISIS.

*Graphic by Natalie Murphy.*

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# I'd take that

*Staffer suggests classes that could be offered in schools*



## What the heck are taxes and how do I pay them?

After all these years of being prepared for the “real world,” I’ve found that I am not at all prepared for the responsibilities of adulthood. I mean, the government makes adults pay money that I don’t even know how to make. I need some help, high school. Give me one class to help me figure out the machine. I know how to flawlessly graph a polynomial function, but I know nothing about my taxes. Honestly, not only do I have no idea how to pay my taxes, I don’t even know what they are. Like, how many taxes do I have? Who do I pay my taxes to? Are they going to send me to jail if I do them wrong? I just don’t know.

## How to apply for college

It’s so close yet so far, that big dark storm cloud that hangs over my entire high school career: college. Every test I’ve taken, every late night study session, every paper, every grade, every last broken pencil tip has been for this, and facing it is extremely overwhelming. I’m lucky because I know where I want to go, I have a goal ahead of me, but I don’t know how to reach it. At the surface the process seems too complicated. My biggest fear is that I’ll miss a step somewhere and put my whole future at stake. I wish I spent less time in school in classes to make the grades I’ll submit to college and there was window for me to take a class that taught me how to get there. Every long conversation about the principles of existentialism, flashcard to memorize the periodic table and books about life in ancient Rome are supposed to help my future; but the “building blocks” of education don’t seem to be providing me with the tools I need to reach my future. I need an hour and a half every other day to be in a classroom where the curriculum is solely for me to complete my applications with one on one supported catered for my personal goals. A class for somebody to tell me, “Hey, it’s all going to be OK. Applying to college isn’t as scary as it seems. Let me show you how.”



## How to get over a broken heart

Oh, high school. I mean, they can’t expect me to spend my days in this place, eight hours a day, 180 days a year, surrounded by endless social opportunities and not end up in a bad relationship or two. So in that case, it’d be really helpful to have an hour and half for when it inevitably doesn’t work out. Maybe a room with some couches, an endless supply of cookie dough and a constant loop of Taylor Swift’s “1989” playing in the background. Then I’d be ready to take that algebra test and not accidentally smudge all my answers with my tears. Okay, I guess high school heartache is not that rough. But still, some social recovery time would be much appreciated. Oh well, I shake it off.



## Woodshop

Or any other classic high school class that is featured on every ‘90s TV show. You know, the classes where all of the main characters just happen to be assigned seats right next to each other, become lab partners and learn valuable life lessons from their teachers, who also just happen to teach all of their classes. My expectations of high school were dashed when I realized that my friends aren’t in all of my classes, and usually the bell doesn’t ring five minutes after the teacher finishes taking attendance. If I could take woodshop with all of my best friends, just think of the sticky situations we could get ourselves into and then solve in 30 minutes or less. Talk about great TV!



## A joint Pre-AP World History and English II class

Too soon?

**NATALIE MURPHY**  
assistant editor