

# Wisconsin Circuit Court Access (WCCA)

State of Wisconsin vs. Steven A. AVERY #122987

Manitowoc County Case Number 2005CF000381

## Court Record Events

	Date	Event	Court Official	Court Reporter
1	01-21-2016	Letters/correspondence		
		<b>Additional Text:</b> Letter Brief from Attorney Thomas Fallon regarding defendant's motion fo rrelease on bond pending appeal.		
2	01-20-2016	Order	Sutkiewicz, Angela W.	
		<b>Additional Text:</b> Signed Order for Admission Pro Hac Vice Pursuant to Wisconsin Supreme Court Rule 10.03(4).		
3	01-20-2016	Check/Disbursement		
		<b>Amount</b> \$ 259.00		
		<b>Additional Text:</b> Check Instruction Form - Court Reporter - Paula Wulff		
4	01-20-2016	Check/Disbursement		
		<b>Amount</b> \$ 13.44		
		<b>Additional Text:</b> Check Instruction Form - Lloyd's Photos - Alexandra Nelson		
5	01-19-2016	Letters/correspondence		
		<b>Additional Text:</b> Letter from Court Reporter Mary Homiston to defendant.		
6	01-19-2016	Letters/correspondence		
		<b>Additional Text:</b> Letter with attachments of notice of appearance and motion for admission Pro Hac Vice pursuant to Wisconsin Supreme Court Rule 10.03(4); Application for Pro Hac Vice for Kathleen Zellner and Douglas H. Johnson and Order for Admission Pro Hac Vice Pursuant to Wisconsin Supreme Court Rule 10.03(4).		
7	01-19-2016	Check/Disbursement		
		<b>Amount</b> \$ 221.34		

**Additional Text:**

Check Instruction Form - Lloyd's Photos - Jessica McBride

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8 01-18-2016 Check/Disbursement

**Amount**

\$ 59.56

**Additional Text:**

Check Instruction Form - Kyle Peltz - Federal Express Shipping

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9 01-15-2016 Letters/correspondence

**Additional Text:**

Letter from Judge Sutkiewicz to Steven Avery with copy of his letter to her.

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10 01-15-2016 Check/Disbursement

**Amount**

\$ 2421.87

**Additional Text:**

Check Instruction Form - Emanuel Psihountas - Records Request

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11 01-15-2016 Check/Disbursement

**Amount**

\$ 249.90

**Additional Text:**

Check Instruction Form - Emanuel Psihountas - Records Request

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12 01-15-2016 Check/Disbursement

**Amount**

\$ 264.58

**Additional Text:**

Check Instruction Form - Kyle Peltz - Records Request

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13 01-07-2016 Letters/correspondence

**Additional Text:**

Letter from Judge Sutkiewicz to Dolores Avery

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14 01-07-2016 Order

Sutkiewicz, Angela W.

**Additional Text:**

Order from Court of Appeals extending time for clerk to file the record to 02-11-16.

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15 12-28-2015 Letters/correspondence

**Additional Text:**

16 12-23-2015 Request

**Additional Text:**

Request for Extension to forward file to Court of Appeals.

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17 12-21-2015 Order

Sutkiewicz, Angela W.

**Additional Text:**

It is ordered that the court grants permission to proceed without payment of the filing fee. This order waives only the filing fees in the Court of Appeals. It is not a determination of indigency for any other purpose.

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18 12-17-2015 Order

Sutkiewicz, Angela W.

**Additional Text:**

Order from the Court of Appeals dated 12-15-15 ordering that the appellant's motions for miscellaneous relief are denied. It is further ordered that the clerk of the circuit court's motion to extend the time to file the record is denied.

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19 12-14-2015 Other papers

**Additional Text:**

Appeals to the Court fo Appeals (2nd request) Motion for 3 Judge Panel or Hearing on County of Origin. Appeal from Judgment or Order Not Appealable as of Right.

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20 12-14-2015 Notice

**Additional Text:**

Notice of Appeal and Circuit Court Record.

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21 12-14-2015 Petition

**Additional Text:**

Prisoner's Petition for Waiver of Prepayment of Fees/Costs Based on Imminent Danger - Affidavit of Indigency. Cover letter. (copy of petition emailed to Judge Sutkiewicz)

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22 12-11-2015 Request

**Additional Text:**

Request for Extension for forward file to the Court of appeals.

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23 12-11-2015 Letters/correspondence

**Additional Text:**

Letter from Judge Sutkiewicz to defendant with copy of letter from defendant attached.

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24 12-11-2015 Notice

**Additional Text:**

Notice of Appeal and Circuit Court Record.

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25 12-10-2015 Motion

**Additional Text:**

Motion for Expunction.

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26 12-09-2015 Notice

**Additional Text:**

Notice of Appeal and Circuit Court Record with attachments.

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27 12-04-2015 Notice of appeal transmittal

**Additional Text:**

Copy of notice of appeal and court record entries mailed to Clerk of Court of Appeals.

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28 12-03-2015 Notice of appeal

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29 12-03-2015 Statement on transcript

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30 12-03-2015 Motion

**Additional Text:**

Motion of Discovery.

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31 12-02-2015 Motion

**Additional Text:**

Wis. Stats. 814.035 Costs Upon Counter Claim and Cross Complaints. Protection Order (on all D.O.J. Hard Drives) With attachments.

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32 12-02-2015 Motion

**Additional Text:**

Stipulation/Supplemental Brief or Motion to Modify.

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33 12-02-2015 Motion

**Additional Text:**

Wis. Stats. 809.075 Permitted Court Actions Pending Appeal. Wis. Stats. 809.31 Release on Bond Pending Seeking Post Conviction Relief. The Eighth Amendment Forbids its Citizens from Cruel and Unusual Punishment and Due Process and Illegal Warrantless Search and Seizure. Cover letter.

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34 12-01-2015 Letters/correspondence

**Additional Text:**

to defendant from Lynn Zigmunt, re: defendants request to remove record from CCAP.

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35 11-30-2015 Letters/correspondence

**Additional Text:**

to Lynn Zigmunt from defendant, re: removing record from CCAP.

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36 11-23-2015 Decision and order

Sutkiewicz, Angela W.

**Additional Text:**

Memorandum Decision and Order with regard to the motion filed by the defendant under Wis. Stats. 974.06, requesting an Order vacating his judgment of conviction and sentence.

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37 11-23-2015 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from defendant, re: clarification on who to mail correspondence to.

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38 11-20-2015 Motion

**Additional Text:**

Stipulation/Supplemental Brief or Motion to Modify. With attachments.

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39 11-18-2015 Request

**Additional Text:**

Request and Response Re: Copies for CBS news

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40 11-09-2015 Other papers

**Additional Text:**

Signed Income Assignment Order from Waupun Correctional Institution

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41 11-04-2015 Letters/correspondence

**Additional Text:**

Letter to Waupun Correctional Institution

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42 11-04-2015 Order

Sutkiewicz, Angela W.

**Additional Text:**

Income Assignment Order

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43 11-04-2015 Notice of Certification

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44 11-04-2015 Judgment for unpaid fine/forfeiture/other

**Amount**

\$ 3521.00

**Additional Text:**

Signed by Hon. Angela Sutkiewica on 11-03-2015

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45 10-22-2015 Letters/correspondence

**Additional Text:**

Email to Department of Justice

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46 10-19-2015 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from Dolores Avery, re: letter she received from David Watts. Letter from David Watts attached. Cover letter.

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47 10-19-2015 Letters/correspondence

**Additional Text:**

Copy of letter to defendant from Judge Sutkiewicz, re: payment of attorney fees to Manitowoc County. With letter to Judge from defendant attached.

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48 10-08-2015 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from defendant, re: payment reminder notice defendant received.

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49 09-29-2015 Other papers

**Additional Text:**

Request for copies.

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50 09-23-2015 Notice

**Additional Text:**

Reminder Notice

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51 09-23-2015 Order

Sutkiewicz, Angela W.

**Additional Text:**

Petition and Order for Payment of Court-Appointed Counsel Fees signed by AWS on 09-21-2015. Voucher 15-128, in the amount of \$3,521.00, sent to the Manitowoc County Comptroller on 09-23-2015. 6 pages. Copies of Petition and Order mailed to defendant and counsel on 09-23-2015. The action has concluded on this case and the Court-appointed counsel is removed effective 09-21-2015.

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52 09-23-2015 Letters/correspondence

**Additional Text:**

Cover letter from Aquino Law LLC

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53 09-14-2015 Response/reply

**Additional Text:**

Response Replying on Phone Call Cannot Be Band From the Law of Justice.

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54 08-31-2015 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from Attorney Aquino re: investigation into the "recorded conversations" claim made by the defendant. Fax cover sheet.

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55 08-31-2015 Telephone conference

Sutkiewicz, Angela W.

**Additional Text:**

Attorney Fallon and Defendant received letter from Attorney Aquino. Attorney Aquino has completed investigation. The Court will review brief and issue a decision. If Attorney Fallon files anything additional, it will be within the next 7 - 10 days. Defendant filed a new brief. The Court will consider defendant's newest submission. Minutes.

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56 08-27-2015 Request

**Additional Text:**

Request and Response Re: Copy of 8/21/15 Motion filed by SAA for WBAY/Matthew Kummer

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57 08-25-2015 Letters/correspondence

**Additional Text:**

email to rm from Lynette Kirsch, re: telephone conference scheduled for 08/31/2015, at 9:30 a.m.

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58 08-25-2015 Notice of hearing

**Additional Text:**

Telephone conference at 08-31-2015 09:30 am

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59 08-21-2015 Motion

**Additional Text:**

Addendum - Supplemental Brief - Motio to Consolidate, Motion for Relief Pursuant to Wis. Stats. 974.06, Illegal Warrantless Search and Seizure.

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60 07-20-2015 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from Attorney Aquino, re: the eavesdropping postconviction issue. Fax cover sheet.

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61 06-29-2015 Letters/correspondence

**Additional Text:**

to Attorney Aquino from Judge Sutkiewicz, re: Petition and Order for Payment of Court-Appointed Counsel Fees.

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62 06-29-2015 Letters/correspondence

**Additional Text:**

to Attorney Aquino from Judge Sutkiewicz, re: telephone status conference set for 07/17/2015, at 11:00 a.m.

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63 06-24-2015 Other papers

**Additional Text:**

Unsigned Petition and Order for Payment of Court-Appointed Counsel Fees

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64 06-22-2015 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from Attorney Aquino, re: confirming Court approved \$500 expenses for investigative services and confirming telephonic status conference set for 07/20/2015, at 11:00 a.m. Fax cover sheet.

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65 06-19-2015 Status conference

Sutkiewicz, Angela W.

**Additional Text:**

Attorney Aquino letter regarding reports obtained, needs to review. Attorney Aquino to get investigation for \$500. Motion to be filed. Status in 30 days, 07/17/2015, at 11:00 a.m. Attorney Aquino to initiate conference call. Minutes.

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66 06-17-2015 Other papers

**Additional Text:**

Addendum - Supplemental Brief, Motion to Consolidate Motions.

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67 06-12-2015 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from Attorney Aquino, re: confirming telephonic status conference set for 06/19/2015, at 9:00 a.m. and a preview of defendant's position for said status conference. Fax cover sheet.

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68 02-02-2015 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from Attorney Aquino, re: public records request submitted to Calumet County Sheriff's Department.

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69 12-17-2014 Letters/correspondence

**Additional Text:**

Letter to Attorney Philip Hoff

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70 12-15-2014 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from Attorney Aquino, re: update on status of case.

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71 12-15-2014 Letters/correspondence

**Additional Text:**

to Attorney Aquino from Judge Sutkiewicz, re: extension of supplement pleadings due date. GRANTED. Due by 01/22/2015.

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72 10-30-2014 Letters/correspondence

**Additional Text:**

to Judge Sutkiewicz from Attorney Aquino re: time extension for filing supplement. Fax cover sheet.

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73 10-21-2014 Letters/correspondence



**Additional Text:**

Letter from Attorney Thomas Aquino to the Court requesting additional 45 days to address the motion.

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74 10-09-2014 Change of address notification

**Event Party**

AVERY #122987,  
Steven A.

**Additional Text:**

ADDRESS INFO for Steven A. AVERY Current: Waupun Correctional Institution PO Box 351, Waupun, WI 53963 United States (Effective: 04-11-2014) Prior: P.O. Box 9900, Wisconsin Secure Program Facility, Boscobel, WI 53805-0901 United States

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75 09-08-2014 Hearing

Sutkiewicz, Angela W.

**Additional Text:**

Defense counsel requests 45 days to file supplemental brief. (10-23-14). State does not object. Court grants request. Hearing to be set if needed. Minutes

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76 08-25-2014 Order

Sutkiewicz, Angela W.

**Additional Text:**

Original Order Appointing Attorney Thomas Aquino as counsel of record.

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77 08-21-2014 Notice of hearing

**Additional Text:**

Telephone conference set for 09-08-14 at 10:00 a.m.

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78 08-20-2014 Order

Sutkiewicz, Angela W.

**Additional Text:**

Order Appointing Attorney Thomas Aquino as counsel.

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79 08-14-2014 Order

Sutkiewicz, Angela W.

**Additional Text:**

It is hereby ordered that Attorney Philip L. Hoff's Motion to Authorize Counsel of Record to Withdraw is granted.

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80 08-14-2014 Motion

**Additional Text:**

Motion to Authorize Counsel of Record to Withdraw.

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81 08-14-2014 Hearing

Sutkiewicz, Angela W.

**Additional Text:**

Defense counsel moves to withdraw. No objection by defendant. Court grants motion and will appoint new counsel. Minutes.

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82 07-24-2014 Notice of hearing

**Additional Text:**

Telephone scheduling conference set for 08-14-14 at 10:30 a.m.

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83 07-23-2014 Telephone conference

Sutkiewicz, Angela W.

**Additional Text:**

Defendant not available had doctor's appointment. There is one issue remaining. Hearing adjourned so defendant can appear. Defense counsel may withdraw. To send request to court and new counsel may be appointed. Pro se filing made by defendant is set aside, defendant is represented by counsel. Next issue will be whether or not defense counsel will withdraw and if new counsel will be appointed. Telephone conference reset to 08-14-14 at 10:30 a.m. Minutes

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84 07-21-2014 Brief

**Additional Text:**

Addendum-Supplemental Brief Motion to Consolidate Motions with Exhibits 31 through 40 attached.

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85 07-11-2014 Notice of hearing

**Additional Text:**

Amended Notice of Hearing setting telephone conference for 07-23-14 at 9:30 a.m.

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86 07-11-2014 Notice of hearing

**Additional Text:**

Telephone conference reset to 07-23-14 at 9:30 a.m.

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87 07-08-2014 Notice of hearing

**Additional Text:**

Telephone conference set for 07-22-14 at 11:00 a.m.

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88 06-30-2014 Letters/correspondence

**Additional Text:**

Letter from Attorney Thomas J. Fallon to Judge Sutkiewicz.

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89 03-06-2014 Other papers

**Additional Text:**

Response to a request (of a voice mail) by Holly O'Donnell @ Brite Spark Films

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90 02-10-2014 Letters/correspondence

**Additional Text:**

Letters from Judge Sutkiewicz regarding adjournment to file pleadings and responses from Attorney Fallon and Attorney Gahn.

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91 11-22-2013 Notice of hearing

**Additional Text:**

92 07-12-2013 Petition

**Additional Text:**

Petition for Appointment of Counsel; Affidavit of Indigency. Order Appointing Attorney Philip Hoff as counsel of record through Manitowoc County.

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93 06-17-2013 Brief

**Additional Text:**

Brief filed by Attorney Thomas J. Fallon.

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94 06-14-2013 Motion

**Additional Text:**

Motion Seeking the Appointment of Counsel; Petition for Appointment of An Attorney; Affidavit of Indigency.

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95 04-12-2013 Notice of assignment of judge

**Additional Text:**

Mailed to all parties of record.

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96 04-11-2013 Order

Sutkiewicz, Angela W.

**Additional Text:**

Order Terminating Judicial Assignment. The reason for termination is because of a change in prosecutor from Kenneth Kratz to Thomas Fallon and Norm Gahn.

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97 04-11-2013 Order assigning judge/judicial assignment order

Sutkiewicz, Angela W.

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98 04-11-2013 Judicial transfer

Fox, Jerome L

**Additional Text:**

(transferred back to Judge Fox so that amended Order Assigning Judge Sutkiewicz can be entered)

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99 04-11-2013 Application for specific judicial assign approved

Fox, Jerome L

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100 04-11-2013 Application for specific judicial assignment

Fox, Jerome L

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101 04-05-2013 Order assigning judge/judicial assignment order

Sutkiewicz, Angela W.

**Additional Text:**

Judicial Assignment Order assigning Hon. Angela Sutkiewicz as presiding judge.

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102 04-04-2013 Request for substitution

**Additional Text:**

Request for Substitution of Judge for substitution of the Hon. Jerome L. Fox.

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103 04-04-2013 Application for specific judicial assign approved Fox, Jerome L

**Additional Text:**

Judicial Assignment Order assigning Hon. Jerome L. Fox as presiding judge.

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104 04-04-2013 Application for specific judicial assignment Fox, Jerome L

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105 04-01-2013 Change of address notification

**Event Party**

AVERY #122987,  
Steven A.

**Additional Text:**

ADDRESS INFO for Steven A. AVERY Current: P.O. Box 9900, Wisconsin Secure Program Facility, Boscobel, WI 53805-0901 United States (Effective: 04-12-2013) Prior: c/o Calumet County Jail, Calumet, WI United States

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106 02-25-2013 Order assigning judge/judicial assignment order Fox, Jerome L

**Additional Text:**

Judicial Assignment Order assigning Hon. Jerome L. Fox as presiding judge.

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107 02-18-2013 Application for specific judicial assign approved Willis, Patrick L.

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108 02-14-2013 Motion

**Additional Text:**

Motion for Relief Pursuant to Wis. Stat. 974.06. Appendix to Defendant-Appellant's Motion for Relief Pursuant to Wis. Stat. 974.06 with exhibits 1 through 30 attached.

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109 07-20-2012 Motion

**Additional Text:**

Motion for Return of Property Pursuant to Wis. Stat. 968.20. Affidavit in Support of Motion to Return of Property Pursuant to Wis. Stat. 968.20.

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110 02-20-2012 Remittitur/Court of Appeals dec & order affirming

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111 12-15-2011 Order Willis, Patrick L.

**Additional Text:**

Order from the Court of Appeals dated 12-14-11 ordering that the petition for review is denied, without costs.

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112 09-26-2011 Other papers

**Additional Text:**

Notice that the Petition for Review has been received by the Court of Appeals.

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113 08-24-2011 Court of Appeals decision & order affirming

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114 12-23-2010 Motion

**Additional Text:**

Motion to Enlarge the Word Limit Permitted for the Defendant-Appellant's Reply Brief.

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115 11-18-2010 Motion

**Additional Text:**

Motion for Extension of Time to File Defendant-Appellant's Reply Brief.

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116 09-02-2010 Other papers

**Additional Text:**

Request for Extension of Time to File Brief. Plaintiff-respondent, the State of Wisconsin, moves the court pursuant to Wis. Stat. 809.14 and 809.82(2), to extend the time for the State to file its response brief by sixty days, to November 8, 2010, for the reasons set forth.

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117 06-24-2010 Motion

**Additional Text:**

Motion to Enlarge the Word Limit Permitted for the Defendant-Appellant's Brief-in-Chief.

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118 04-23-2010 Motion

**Additional Text:**

Motion for Extension of Time to File Defendant-Appellant's Brief-in-Chief.

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119 03-19-2010 Notice

**Additional Text:**

Notification of Filing of Circuit Court Record.

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120 03-17-2010 Other papers

**Additional Text:**

Receipt of Court File. File delivered to the Clerk of Court of Appeals and received there at 11:25 a.m.

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121 03-17-2010 Transmittal of record to court of appeals

**Additional Text:**

Record delivered to the Clerk of Court of Appeals by Deputy Shallue and Deputy Peterson from the Manitowoc County Sheriff's Department. (four plastic storage bins)

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122 02-23-2010 Compilation of record

**Additional Text:**

Copy to Kenneth Kratz, Thomas Fallon, Martha Askins, Suzanne Hagopian and attorney general's office.

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123 02-19-2010 Other papers

**Additional Text:**

124 02-17-2010 Notice

**Additional Text:**

Notice of Appeal and Circuit Court Record.

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125 02-11-2010 Notice of appeal transmittal

**Additional Text:**

Copy of notice of appeal and court record entries mailed to the Clerk of Court of Appeals. Copy to counsel.

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126 02-10-2010 Notice of appeal

**Additional Text:**

Statement on Transcript.

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127 01-25-2010 Decision and order

Willis, Patrick L.

**Additional Text:**

Decision and Order on Defendant's Motion for Postconviction Relief. The defendant's Motion for Postconviction Relief is denied.

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128 12-03-2009 Order

Willis, Patrick L.

**Additional Text:**

Order from Court of Appeals dated 12-02-09 ordering that the time for deciding the defendant's postconviction motion is extended to January 29, 2010.

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129 12-01-2009 Motion

**Additional Text:**

Motion for Additional Extension of Time for Circuit Court to Decide Defendant's Postconviction Motion.

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130 11-16-2009 Response/reply

**Additional Text:**

State's Reply to Defendant's Postconviction Motion.

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131 11-13-2009 Brief

**Additional Text:**

Defendant's Reply Brief in Support of Wis. Stat. 809.30(2)(h) Postconviction Motion.

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132 11-02-2009 Response/reply

**Additional Text:**

State's Response to Defendant's Postconviction Motion.

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133 10-29-2009 Brief

**Additional Text:**

Defendant's Brief in Support of Wis. Stat. 809.30(2)(h) Postconviction Motion.

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134 10-20-2009 Amended

**Additional Text:**

Amended Post-Conviction Motion Hearing cover sheet.

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135 10-13-2009 Transcript

**Additional Text:**

Transcript of Post-Conviction Motion hearing held on 09-28-09.

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136 09-30-2009 Order

Willis, Patrick L.

**Additional Text:**

Fourth Order to Unseal Documents. The evidentiary hearing on the defendant's postconviction motion in this matter having concluded, the court hereby orders that the following court documents be unsealed: 1. Postconviction Motion - Part I filed June 29, 2009. 2. Defendant's Brief Regarding Testimony at the Postconviction Hearing filed July 24, 2009. 3. Defendant's Offer of Proof filed July 24, 2009. 4. State's Response to Defendant's Offer of Proof filed August 7, 2009. 5. Defendant's Reply Brief Regarding Testimony at the Postconviction Hearing filed August 19, 2009. 6. Other documents which have been filed under seal shall remain sealed. Nunc Pro Tunc 09-29-09.

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137 09-28-2009 Post conviction hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Defense counsel has two issues they wish to raise to the Court. First, that the trial court erred by improperly excusing a juror after one day of deliberations and second, that the trial court erred by excluding thirty party testimony. Testimony given. Court sets a briefing schedule. The parties will simultaneously file briefs by 10-30-09, with their replies to be filed by 11-13-09. Exhibit 1, Court's Memorandum Regarding Juror Issue. Exhibit 2, Supplemental Jury Instruction.

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138 09-01-2009 Writ of Habeas Corpus

Willis, Patrick L.

**Additional Text:**

Writ of Habeas Corpus Ad Prosequendum and Order to Sheriff to transport defendant for post-conviction motion hearing on 09-28-09 at 9:00 a.m. Copy filed.

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139 08-21-2009 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order from Court of Appeals dated 08-20-09 ordering that the time for deciding defendant's postconviction motion is extended to December 1, 2009.

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140 08-19-2009 Brief

**Additional Text:**

Defendant's Reply Brief Regarding Testimony at the Postconviction Hearing. Filed Under Seal.

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141 08-19-2009 Other papers

**Additional Text:**

Motion to Extend Time for Trial Court to Decide Defendant's Postconviction Motion.

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142 08-07-2009 Response/reply

**Additional Text:**

State's Response to Defendant's Offer of Proof. Filed Under Seal.

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143 07-24-2009 Brief

**Additional Text:**

Defendant's Brief Regarding Testimony at the Postconviction Hearing filed under Seal;  
Defendant's Offer of Proof filed under Seal.

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144 07-16-2009 Notice

**Additional Text:**

Motion hearing set for 09-28-09 at 9:00 a.m.

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145 06-29-2009 Motion

**Additional Text:**

Postconviction Motion. Part I - Filed Under Seal. Part II - The Court's "Denny" Ruling Deprived Mr. Avery of a Fair Trial.

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146 06-09-2009 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order from Court of Appeals dated 06-08-09 ordering that the time for filing a notice of appeal or postconviction motion is extended to July 6, 2009.

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147 06-08-2009 Motion

**Additional Text:**

Motion for Additional Extension of Time to File Postconviction Motion or Notice of Appeal.

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148 04-07-2009 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order from Court of Appeals dated 04-06-09 ordering that the time for filing a notice of appeal or postconviction motion is extended to June 5, 2009.

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149 04-03-2009 Motion

**Additional Text:**

Motion for Additional Extension of Time to File Postconviction Motion or Notice of Appeal.

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150 01-07-2009 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order from Court of Appeals dated 01-06-09 ordering that the time for filing a notice of appeal or postconviction motion is extended to April 6, 2009.

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151 12-31-2008 Motion

**Additional Text:**

Motion for Additional Extension of Time to File Postconviction Motion or Notice of Appeal.

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152 10-08-2008 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order from Court of Appeals dated 10-07-08 ordering that the time for filing a notice of appeal or postconviction motion is extended to January 5, 2009.

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153 10-06-2008 Motion

**Additional Text:**

Motion for Additional Extension of Time to File Postconviction Motion or Notice of Appeal.

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154 07-09-2008 Other papers

**Additional Text:**

Order from Court of Appeals dated 07-08-08 ordering that the time for filing a notice of appeal or postconviction motion is extended to October 6, 2008.

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155 07-07-2008 Motion

**Additional Text:**

Motion for Extension of Time to File Postconviction Motion or Notice of Appeal.

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156 04-10-2008 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order from Court of Appeals dated 04-09-08 ordering that the time for filing a notice of appeal or postconviction motion is extended to July 8, 2008.

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157 04-08-2008 Motion

**Additional Text:**

Motion for Extension of Time to File Postconviction Motion or Notice of Appeal. Defense counsel moves the court pursuant to Wis. Stat. 809.82(2)(a) for an order extending the time for filing a postconviction motion or notice of appeal by 90 days, until July 8, 2008.

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158 02-06-2008 Further proceedings

**Additional Text:**

Copy of file mailed to Suzanne Hagopian, Assistant State Public Defender.

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159 01-23-2008 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 21 held on 03-12-07. Transcript of Jury Trial - Day 22 held on 03-13-07. Transcript of Jury Trial - Day 23 held on 03-14-07. Transcript of Jury Trial - Day 24 held on 03-15-07. Transcript of Jury Trial - Day 25 held on 03-16-07. Transcript of Jury Trial - Day 26 held on 03-17-07. Transcript of Jury Trial - Day 27 Verdict held on 03-18-07. Transcript of Post-Conviction Motion held on 05-22-07.

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160 01-02-2008 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 16 held on 03-05-07. Transcript of Jury Trial - Day 17 held on 03-06-07. Transcript of Jury Trial - Day 18 held on 03-07-07. Transcript of Jury Trial - Day 19 held on 03-08-07. Transcript of Jury Trial - Day 20 held on 03-09-07.

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161 11-21-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 11 held on 02-26-07. Transcript of Jury Trial - Day 12 held on 02-27-07. Transcript of Jury Trial - Day 13 held on 02-28-07. Transcript of Jury Trial - Day 14 held on 03-01-07. Transcript of Jury Trial - Day 15 held on 03-02-07.

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162 11-08-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 6 held on 02-19-07. Transcript of Jury Trial - Day 7 held on 02-20-07. Transcript of Jury Trial - Day 8 held on 02-21-07. Transcript of Jury Trial - Day 9 held on 02-22-07. Transcript of Jury Trial - Day 10 held on 02-23-07.

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163 10-12-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 1 held on 02-12-07. Transcript of Jury Trial - Day 2 held on 02-13-07. Transcript of Jury Trial - Day 4 held on 02-15-07. Transcript of Jury Trial - Day 5 held on 02-16-07.

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164 10-01-2007 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order from Court of Appeals dated 09-28-07 ordering that the time for filing the transcripts in this case is extended to November 30, 2007.

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165 09-26-2007 Motion

**Additional Text:**

Motion for Extension of Time Filing Transcripts filed by Diane Tesheneck. Motion for Extension of Time Filing Transcripts filed by Jennifer Hau.

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166 09-13-2007 Transcript

**Additional Text:**

Transcript of Jury Trial Voir Dire - Day 2 held on 02-06-07. Transcript of Jury Trial Voir Dire - Day 3 held on 02-07-07. Partial Transcript of Jury Trial Voir Dire - Day 4 held on 02-08-07. Partial Transcript of Jury Trial Voir Dire - Day 4 held on 02-08-07.

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167 09-12-2007 Transcript

**Additional Text:**

Transcript of Day 3 of 12-person Jury Trial held on 02-14-07.

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168 09-10-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 5 Peremptory Strikes & Motion Hearing - Manitowoc County Motion Hearing - Calumet County held on 02-09-07.

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169 08-10-2007 Transcript

**Additional Text:**

Transcript of initial appearance held on 11-15-05. Transcript of arraignment and motions held on 05-03-06. Transcript of motion hearing held on 12-20-06. Transcript of motion hearing juror questionnaire held on 01-29-07.

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170 08-03-2007 Order appointing counsel

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Suzaqne Hagopian, Assistant State Public Defender.

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171 08-03-2007 Order appointing counsel

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Suzanne Hagopian, Assistant State Public Defender.

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172 07-16-2007 Transcript

**Additional Text:**

Transcript of sentencing hearing held on 06-01-07. Copy of transcript of sentencing mailed to Registrar Dodge Correctional Institution.

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173 06-08-2007 Notice of intent to pursue post-conviction relief

**Additional Text:**

Copy of Notice of Intent to Pursue Postconviction Relief; copy of judgment of conviction sentence to Wisconsin State Prisons and copy of judgment of conviction sentence to Wisconsin State Prisons and Extended Supervision and list of court reporters mailed to State Public Defender's Intake Office.

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174 06-05-2007 Victim rights information

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175 06-01-2007 Dispositional order/judgment

Willis, Patrick L.

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176 06-01-2007 Judgment of conviction

**Additional Text:**

Judgment of Conviction Sentence to Wisconsin State Prisons. Duplicate original delivered to Registrar. Copy to DOC and Sheriff. Judgment of Conviction Sentence to Wisconsin State Prisons and Extended Supervision. Duplicate original delivered to Registrar. Copy to DOC and Sheriff.

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177 06-01-2007 Sentencing hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Sentencing continued. On the Felon possessing firearm - Defendant is sentenced to the Wisconsin State Prison System for ten (10) years. Five (5) years initial confinement followed by

five (5) years extended supervision, to run concurrent with the PTC 1st degree intentional homicide. Based on the courts ruling on the first sentence, he will not set any conditions of extended supervision. Defendant is entitled to sentence credit for 568 days from 11-09-05 to present. Court further informs the defendant he is ineligible to vote and files with him a written explanation of determinate sentence. DVD of Teresa Halbach played at sentencing. Written Explanation of Determinate Sentence. Notice of Right to Seek Postconviction Relief.

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178 06-01-2007 Sentencing hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Sentencing hearing continued. Court states he has read the attachments attached to the presentence investigation report. State will be presenting five individuals for victim/impact statements. 1) Maria Halbach, makes a statement to the court. 2) Kari Lau, Teresa's cousin, makes a statement to the court. 3) Rhonda Behnke, Teresa's cousin, makes a statement to the court. 4) Mike Halbach, Teresa's brother, makes a statement to the court. 5) Tim Halbach, Teresa's brother, makes a statement to the court. State presents a video made by Teresa Halbach. Court informs all parties that this is a court of law and that any outbursts will result in removal from the courtroom and possible arrest. Court wishes to express his apologies to the Halbach family and how they have handled themselves with dignity and respect. Court states this case is unique, this is the longest criminal trial in history of this county and has received a huge amount of media coverage. State is asking for the life sentence without parole; defense is asking for the court to leave the door open and the presentence investigation report recommends life without parole. Court believes the circumstantial evidence was more than overwhelming to convict the defendant of this offense. The defendant has readily been involved in criminal activity when not incarcerated. Court believes this defendant to be the most dangerous criminal to step foot into this courtroom. What he sees is that society will never be safe from his behavior. Society has a right to be concerned that he will re-offend. Court concludes the defendant should not be free again. On PTC 1st degree intentional homicide the defendant is sentenced to life imprisonment without the possibility for extended supervision.

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179 06-01-2007 Sentencing hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Court states the charges the defendant has been found guilty and convicted of. He states what the possible penalties are for the charges. Court has also received the presentence investigation report completed by DOC. Copy of the report have been provided to counsel. Attorney Buting argues regarding the Court using the statements of Brendan Dassey against this defendant based on their reliability. The defense believes these statements to be untrue and unreliable. Defense asks the court to take no consideration of anything in the presentence report that refers to how Teresa Halbach died based on Brendan Dassey's statement. He is further asking that the presentence investigation be re-written absent all the facts relating to Brendan Dassey. It would be a violation of Mr. Avery's due rights for the court to consider them. Attorney Kratz responds, defense counsel is entitled to their own opinion on the validity of the statements. State argues that the defendant was convicted with overwhelming circumstantial evidence. State is asking the court to consider the defendant's own criminal history and actions for purposes of sentencing. State further believes the Court has no authority to order a presentence investigation to be re-written. Attorney Buting responds it is not a matter of personal opinion, but a matter of due process. He believes the Court does have the authority to order the presentence report to be re-written since it is the court that orders it. State is only asking the court to consider the evidence presented at trial. State is not asking the court to consider the statements made by Mr. Dassey in the presentence. Court notes for the record that the defendant disputes what happened according to the account by Brendan Dassey. Court will further take the request under advisement about the re-writing of the presentence report since that is a request that has not been presented to him before.

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180 05-30-2007 Memorandum

**Additional Text:**

Defendant's Memorandum on Brendan Dassey Statements.

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181 05-23-2007 Pre-sentence investigation filed

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182 05-22-2007 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant's Motion for New Trial Defendant in custody. Court has received and reviewed the defendant's motion for a new trial as well as the State's response to the defendant's motion, specifically addressing issue one. Court has not been able to locate any case in Wisconsin where decisions have been overturned on inconsistent verdict, therefore he finds there is no basis in Wisconsin Law to challenge inconsistent verdicts on a homicide charge as it relates to a mutilation charge. Issue Two - Three Unfounded Counts - Court is not going to address this matter in detail because he dealt with it during the course of the trial. Issue Three - Denial of Mid-Trial Motion to Strike Juror for Cause - Court stands by its decision made during the trial. Issue Four - Denial of Batson Challenge - Court is not going to elaborate on this, the decision to strike was not improper. Issue Five - Exclusion of Debra Kakatsch Testimony - Court found the probative issue was outweighed by the positive issue. Calumet County was brought in almost immediately by Manitowoc County. Court also found that her testimony would have been what she would have done, which the court found to be a waste of time. Issue Six - Marc LeBeau's Testimony - This issue was thoroughly addressed during the course of the trial. Court is not criticizing either side for not testing EDTA sooner. The decision not to test was the defendant's choice. Issue Seven - Other Errors - Court finds no reason to re-address these issues at this time. These matters may be issues for appeal. Court denies defendant's motion for new trial at this time for all the reasons stated.

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183 05-17-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 20 Partial -- Janine Arvizu held on 03-09-07.

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184 05-11-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 11 Culhane - Remainder held on 02-26-07.

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185 05-01-2007 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Revoking Bail. It is ordered that for reasons articulated on the record on March 18, 2007 the defendant's bail is revoked pending sentencing. Copy of Order Revoking Bail Delivered to Sheriff.

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186 04-17-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 11 Partial Cross of Culhane held on 02-26-07.

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187 04-16-2007 Motion

**Additional Text:**

Defendant's Motion for New Trial.

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188 04-16-2007 Other papers

**Additional Text:**

Defendant's Motion for New Trial.

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189 04-16-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 5 testimony of Special Agent Thomas Fassbender held on 02-16-07. Transcript of Jury Trial - Day 14 testimony of William Newhouse held on 03-01-07. Transcript of Jury Trial - Day 10 testimony of Sherry Culhane - direct held on 02-23-07.

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190 04-11-2007 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order to Release Trial Exhibits. It is ordered that the following exhibits received into evidence in the above-captioned jury trial shall be released to Manitowoc County Circuit Court Branch 3 for use in the pending jury trial in State vs. Brendan Dassey, Manitowoc County Case No. 06 CF 88. It is understood that upon completion of the Dassey jury trial, exhibits will be returned to Branch 1. Exhibit Nos. 195, 203, 204, 211, 218, 247, 250, 276, 277, 279, 287, 288, and 373. It is further ordered that the Manitowoc County Clerk of Court shall allow the plaintiff, State of Wisconsin, to photocopy the following documents needed for introduction as evidence in State vs. Brendan Dassey, Manitowoc County Case No. 06 CF 88: Exhibit Nos. 309, 311-315, 359, 361, 374, 378, 379, 380, 381, 414, 416, 418-419, and 432.

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191 04-10-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 4 Bobby Dassey Testimony held on 02-15-07. Transcript of Jury Trial - Day 12 Fabian-Tadych Testimony held on 02-27-07.

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192 04-09-2007 Transcript

**Additional Text:**

Transcript of Jury Trial - Day 24 Attorney Kratz rebuttal held on 03-15-07.

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193 04-09-2007 Transcript

**Additional Text:**

Transcript of Jury Trial Voir Dire - Day 1 held on 02-05-07.

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194 04-09-2007 Transcript

**Additional Text:**

Partial Transcript of Jury Trial Voir Dire - Day 1 Held on 02-05-07. Sealed Portion.

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195 04-04-2007 Transcript

**Additional Text:**

Partial Transcript of Testimony of Bobby Dassey from Day 3 of 12-person Jury Trial held on 02-14-07.

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196 04-04-2007 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order on Preservation of Blood Evidence and Independent Defense Testing.

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197 04-03-2007 Receipt

**Amount**

\$ 0.00

**Additional Text:**

Exhibit 478, red container containing blood vial of Steven Avery in Case No. 05 CF 381 turned over to Calumet County Investigator Mark Wiegert for storage.

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198 04-02-2007 Notice

**Additional Text:**

Motion hearing set for 05-22-07 at 2:30 p.m. Sentencing hearing set for 06-01-07 at 1:30 p.m.

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199 04-02-2007 Transcript

**Additional Text:**

Partial transcript of jury trial held on 03-08-07.

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200 03-23-2007 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Third Order to Unseal Documents. The court hereby orders that the Court's Decision and Order on State's Motion to Allow the Introduction of Nine Items of Other Acts Evidence dated 09-22-06 and the Court's Decision and Order on State's Motion in Limine Regarding Teresa Halbach History dated 01-17-07 be unsealed. In addition, the following pleadings filed by the parties are hereby ordered to be unsealed. 06-16-06 Defendant's Notice Concerning Interference with Right to Counsel. 06-27-06 Defendant's Memorandum Opposing Unchanged Conduct Evidence. 07-10-06 State's Supplemental Memorandum in Support of Teresa Halbach Out of Court Statements. 07-28-06 State's Supplementary Memorandum in Support of Other Acts Evidence. 08-01-06 Defendant's Reply Opposing Uncharged Misconduct Evidence. 08-14-06 State of Wisconsin's 2nd Supplementary Memorandum in Support of Other Acts Evidence. 08-21-06 Defendant's Memorandum Opposing Admission of Prisoner's Claims. 12-15-06 Memorandum of State of Wisconsin Regarding Motions in Limine. 01-08-07 Defendant's Disclosure of Potential Expert Witnesses. 01-09-07 State's Offer of Proof (Victim's History) 01-10-07 Defendant's Statement on Third Party Responsibility. 01-12-07 Defendant's Memorandum on Teresa Halbach Background Evidence. 01-15-07 State's Notice of Motion and Motion; Memorandum to Preclude Third Party Liability Evidence. 01-17-07 Defendant's Statement on Planted Blood. 01-17-07 State's Recommendation as to "Wrongful Conviction" Evidence. 01-18-07 State's Reply to Defendant's Statement on Planted Blood. 01-18-07 Defendant's Motion for Disclosure of Exculpatory Information. 01-18-07 Defendant's Motion to Exclude Computer Generated Animations. 01-26-07 Defendant's Second Motion in Limine. 01-26-07 Defendant's Motion Concerning Courtroom Security. 02-26-07 Defense Motion for Sequential Independent Testing and Funding. (Supporting Affidavit remains sealed).

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201 03-21-2007 Other papers

**Additional Text:**

List of Names of Jurors and Questionnaires.

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202 03-20-2007 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Vacating Order Limiting Public Disclosure. It is hereby ordered that the court's prior Order Limiting Public Disclosure dated 09-11-06 is hereby vacated.

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203 03-18-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Twenty-Six Defendant in custody. At 11:00 a.m. the jury began deliberations. At 4:35 p.m. Court is informed that the jury has reached a verdict. At 6:02 p.m. all parties have assembled. At 6:04 p.m. the jury is brought into the courtroom. Court reads the verdicts as follows: Count 1 of the Information - PTC 1st degree intentional homicide - Guilty verdict. Count 2 of the Information - PTC Mutilating a corpse - Not guilty verdict. Count 3 of the Information - Felon possess a firearm - Guilty verdict. Court polls the jurors regarding the verdicts, each and every juror affirms the verdicts as theirs. At 6:10 p.m. the jury is excused with thanks of the court. Court will receive the verdicts. Court will enter judgment of conviction on counts 1 and 3 and judgment of acquittal on count 2. Court orders a presentence investigation report to be completed by DOC. Court will schedule a hearing on motions when received. Court will set sentencing after confirming with counsel. Court orders bail revoked. Exhibit List.

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204 03-17-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Twenty-Six Defendant in custody. The jury began deliberating at 8:55 a.m. this morning. Court has received a question from the jury requesting to hear or see the testimony of Shirley Culhane regarding exhibit 164 on February 26, 2007. Court met with counsel in chambers after review of the testimony by the reporter and it was agreed there are three different excerpts which the court will read to the jury. Counsel ask the court to clarify that in fact it is item exhibit 247 they are referring to. At 3:17 p.m. the jury is brought in. Court reads back the testimony to the jury in response to their question. At 5:00 p.m. jury quit deliberations to resume at 11:00 a.m. tomorrow.

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205 03-16-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Twenty-Five Defendant in custody. Court first deals with the fact that there were requests for items made by the jury. Court states they asked for a magnifying glass and then later for a dry board. Court saw no need to go on the record regarding these requests. Court proposes in the future should the jurors request something the court will pass it on to the media coordinator what it was. Next item is at 9:00 p.m. court was contacted by the sheriff's department that one juror was requesting to be excused due to an unforeseen family emergency. Court made contact with counsel, advised them of the situation and they asked the court to talk with the juror and confirm the request. Court did speak with the juror and confirmed the request, it was then determined to release this juror. Court states there are three choices defense counsel has: 1) Stipulate to proceed with 11 jurors; 2) Stipulate to allow the alternate juror join the remaining 11; 3) Grant a mistrial. Counsel agree that if the court gives a proper instruction to the jurors that deliberations will start anew and each of the eleven jurors agree to begin anew, they agree to allow the alternate juror join the group to begin deliberations. Court reads a prepared instruction to the jurors. Supplement Jury Instruction. Court instructed the jurors that they must commence their deliberations anew. Court individually questions each juror if they can do this. At 10:20 a.m. the jury is excused to begin deliberations. At 2:05 p.m. court has received a question from the jurors. Court reads his written response to be given to the jurors. Court has the original delivered to the jury and a copy put in the file with the question. At 6:29 p.m. the jury retired for the day to resume deliberations tomorrow.

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**Additional Text:**

Jury Trial - Day Twenty-Four Defendant in custody. All parties present as before. Jury present. Defense gives their closing argument. State gives their rebuttal argument. Court gives the jurors their final instructions and reads the verdicts. Court reads the name of the alternate juror. The Clerk swears the bailiff to take charge of the jury for deliberations. At 12:54 p.m. the jury retires for deliberations. Counsel have an agreement that all photographs may go to the jury except exhibits 173, 174, 228 and 229. Court will allow the photographs to go into the jury room except for the ones mentioned. Extra Peremptory Strikes of Counsel. Ordered sealed.

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207 03-14-2007 Transcript

**Additional Text:**

Partial Transcript of testimony from 02-12-07.

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208 03-14-2007 Transcript

**Additional Text:**

Partial Transcript of testimony from 02-23-07.

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209 03-14-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Twenty-Three Defendant in custody. Court individually questions a juror regarding a report he received. Court reads final jury instructions to the jurors. State gives its closing argument to the jury. Defense begins its closing argument to the jury. At 5:25 p.m. court explains that due to the hour of the day and what is left to be done, fatigue is becoming a factor, he is going to adjourn. Counsel have an agreement to each take one extra strike to excuse two jurors as alternates. Counsel each make an extra strike and present the list to the court. Court reads the names of the two excused jurors: Terri Temme and Laura Barber. Jury Instructions.

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210 03-13-2007 Transcript

**Additional Text:**

Partial Transcript of Testimony of Bobby Dassey from Day 3 of 12-person Jury Trial held on 02-14-07.

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211 03-13-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Jury Trial - Day Twenty-Two Court holds the instruction conference with counsel. State finds the instructions are submitted are acceptable but wants to be heard on defense theory of defense instruction. Defense argues. Court believes the defense has introduced circumstantial evidence into the record that supports the giving of theory of defense instruction. Instruction 315 which involves the defendants right to testify can only be included if requested by the defense. Defense counsel does request this instruction. Court will include it. Counsel have further discussion regarding possible instructions. The jury verdicts have been provided to counsel and both sides find them acceptable. Defense counsel wishes to renew the motion involving a juror on today's panel and one who sat on a juror panel involving a case with Det. Remiker. He believes that this juror is objectively biased because this juror has sat now and before on a case where credibility was an issue. Court has already ruled on that this juror is not subjectively biased and this is not at issue today. Court finds the juror to be a very credible juror and she was very forthright about coming forward with this knowledge. Court denies the motion and finds that she not be removed from this jury on the basis for subjective or objective bias.

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212 03-12-2007 Jury instructions

**Additional Text:**

State's Response to Defendant's Proposed Jury Instructions (1-7); State's Proposed Modification of Wis JI-Criminal Motive.

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213 03-12-2007 Jury instructions

**Additional Text:**

Defendant's Proposed Jury Instructions.

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214 03-12-2007 Other papers

**Additional Text:**

Two notes from Jurors, sealed per the Court.

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215 03-12-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Twenty-One Defendant in custody. Motion Renewal for Fair Forensic Testing Court denies the motion. Motion to Suppress Evidence from Multiple Searches Court denies the motion. Motion to Dismiss All Charges at the end of State's Case Court has to look at evidence most favorable to the State. Court finds that sufficient evidence does exist to find the defendant guilty of counts one through three in the second amended information. As for the false imprisonment charge there was minimal evidence shown by the State and not sufficient evidence to support a finding of guilt. Court grants the motion to dismiss the false imprisonment charge. Defense moves for judgment of acquittal. Court enters a judgment of dismissal on the false imprisonment charge. Court is going to individually voir dire the jurors due to the length of the trial. Court does not believe it should take place in the courtroom due to intimidation. Court will individually voir dire the jurors in a conference room and will allow one media person present in the room, to not close the proceedings. Court conducts individual voir dire of the jurors. Court explains defendant's right to testify. Court asks him about his right to testify, defendant states he is an innocent man and there is no need for him to testify because everybody knows he is innocent. Court finds that defendant's decision is knowingly and voluntarily made. At 1:37 p.m. defense rests its case. At 1:37 p.m. the state indicates they have no rebuttal. Court informs the members of the jury that this concludes the evidence portion of the trial. Court admonishes the jury not to begin their deliberations until given the final instructions of the court. Defense moves for a judgment with prejudice dismissing the remaining three counts in the second amended information. Court denies the motion.

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216 03-09-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Twenty Testimony presented. Attorney Strang puts a stipulation of the parties on the record. The stipulation is as follows: On 10-31-05, Steven Avery spoke twice to his girlfriend, Jodi Stachowski on his cordless land line and each conversation was approximately 15 minutes. The first starting at 5:36 p.m. and the second starting at 8:57 p.m. Attorney Kratz states indeed that is their stipulation. Court will receive the stipulation. Exhibit 499, copy of Janine Arvizu resume. Exhibit 500, part of exhibit 446. Exhibit 501, curriculum vitae of Dr. Scott Fairgrieve.

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217 03-08-2007 Other papers

**Additional Text:**

Defendant's Proposed Jury Instructions.

**Additional Text:**

Partial Transcript - Suppression Motion held on 02-23-07.

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**Additional Text:**

Jury Trial - Day Nineteen Continued. Counsel go over the exhibits they want offered into evidence. At 1:41 p.m. jury present. Defense begins with their case. Testimony presented. Court recesses at 4:30 p.m. to continue tomorrow.

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**Additional Text:**

Jury Trial - Day Nineteen Defendant in custody. Jury not present. Court first states that the exhibits are to be addressed with the Clerk during the break. Next there was an objection made by the defense on 02-27-07 regarding telephone records and voice mail messages. Defense states that after yesterdays testimony from the employee of Cingular the evidence he wanted to get in, got in so he no longer has an objection. On 02-23-07 there was a motion made by defense renewing defense motion regarding multiple entries on the search warrant. Counsel argue that motion again. Defense has a motion now that the State has rested in its case in chief. Defense moves the court for judgment of acquittal on the now four counts remaining and dismissal on all four counts. Defense believes that a reasonable verdict of guilty cannot be found. State responds to the argument and asks the court at this time to deny the motion for acquittal or dismissal. Third there was a renewed motion made by the defense for fair forensic testing. Defense argues that there could have been contamination or all the evidence would be used up. Defense had asked for their expert to be there. Defense believes there is a showing of bad faith on the part of the State. Defense is asking for item FL to be suppressed or in an alternative the State resisted to turn over contamination logs, second the item was consumed, and third the State withheld evidence that the Wisconsin Crime Lab had a recorded history of contaminations. State responds it would be so burdensome to stop at every testing to notify defense attorney's that it is taking place and wait for their expert. State asks the court to deny the motion for the reasons there was nothing exculpatory, there is evidence available for testing and as for the bullet the extract can be tested. Court is going to do more examination on the motions argued today and give a decision at 8:30 a.m. on Monday before the jury.

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**Additional Text:**

Order Granting State's Motion to Admit EDTA Test Results and Denial of Defendant's Motion for Mistrial and Continuance for Sequential Testing. It is ordered that for the reasons articulated on the record on March 5, 2007: 1) The State's motion to admit EDTA test results through Dr. Marc LaBeau from the FBI Laboratory in Quantico, Virginia and permit expert testimony in the State's case in chief is granted. 2) That the defendant's motion for mistrial and continuance for sequential EDTA testing is denied.

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**Additional Text:**

Jury Trial - Day Eighteen. Defendant in custody. Testimony presented. Exhibit 481, photograph of boiler. Exhibit 482, photograph of close up of chimney on boiler. Exhibit 483, photograph of boiler unit when door was opened. Exhibit 484, photograph of side boiler. Exhibit 485, photograph of boiler unit after ash removed. Exhibit 486, photograph of internal part of burn

chamber. Exhibit 145, photograph of smelter unit. Exhibit 487, photograph of back of smelter unit. Exhibit 488, photograph of area where material is introduced and melted. Exhibit 489, photograph of part of melting pot of smelter. Exhibit 490, photograph of looking down into melting pot of smelter. Exhibit 491, photograph similar of Exhibit 490. Exhibit 493, photograph of smelter unit opposite side. Exhibit 494, photograph of entrance where smelter unit was. Exhibit 495, photograph taken from distance showing LP tank and smelter. Exhibit 496, verbatim flash memory card with name Teresa on it. Exhibit 497, report issued by Investigator Riddle dated 12-05-06 about item K-T. Exhibit 498, report dated 12-07-05 of items recovered in RAV4 At 4:37 p.m. State rests subject to moving all its exhibits into the record.

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223 03-06-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Seventeen Continued Exhibit 475, control swab from CD case found in RAV4. Exhibit 477, control swab from RAV4 ignition switch. Exhibit 465, CD-Rom of power point presentation of Dr. LeBeau. Exhibit 466, power point presentation. Exhibit 478, red packing container containing the blood vial. Exhibit 458, photograph of blood swab from ignition area of RAV4. Exhibit 459, photograph of blood swab from rear passenger door area of RAV4. Exhibit 460, photograph of blood swab from CD case found in RAV4 Exhibit 461, photograph of two control swabs taken area near ignition switch. Exhibit 462, photograph of two control swabs taken area near rear passenger door. Exhibit 463, photograph of two control swabs taken off CD case in RAV4. Exhibit 479, copy of internal communications between FBI and agencies. Exhibit 480, curriculum vitae of Dr. Jason Brewer. Exhibit 471, photograph of blood vial. Exhibit 473, photograph of blood vial.

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224 03-06-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Seventeen Defendant in custody. Defense counsel moves the court for preservation of all samples indefinitely and the blood vial from the Clerk of Court Office for future testing. Defense also asks to have access to swabs from Toyota RAV4 and dried blood stains and blood vial. State has no objection. Court states that defense counsel prepare an order that these items be preserved now and the manner how will be discussed at the end of the case. Testimony presented. Exhibit 452, certified copy of stipulation from Case File 85 FE 118 regarding providing DNA sample. Exhibit 453, certified copy of order from Case File 85 FE 118 in conjunction with stipulation DNA sample. Exhibit 454, certified copy of letter dated 12-06-95 from Robert Henak confirming telephone conversation. Exhibit 455, certified copy of letter dated 12-12-95 from Shirley Wilda enclosing a certified copy of order. Exhibit 456, certified copy of letter dated 12-12-95 from Shirley Wilda to Attorney Henak. Exhibit 457, certified copy of document dated 06-06-96 form Lab-Cor return of evidence. Exhibit 464, photograph of two plastic totes containing 1985 Avery file. Exhibit 447, photograph of entrance to door to inner office. Exhibit 448, photograph of airbourne express package containing blood vial container. Exhibit 449, photograph of label that is on shipping package. Exhibit 450, photograph of container that holds blood sample. Exhibit 451, photograph of other side of container holding blood vial. Exhibit 467, photograph of book entitled evidence room case entry log. Exhibit 468, photograph of original cardboard box containing Steven Avery file. Exhibit 469, photograph of original cardboard box containnig Steven Avery file. Exhibit 470, DVD of video played by defense. Exhibit 471, photograph of blood vial. Exhibit 472, photograph Exhibit 473, photograph of blood vial. Exhibit 474, photograph Exhibit 476, control swab from rear passenger door RAV4.

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225 03-05-2007 Motion

**Additional Text:**

Motion to Admit EDTA Test Results and Permit Expert Testimony in the State's Case-in-Chief and Reply to Request for Sequential, Independent Testing and Funding. Analysis of EDTA in Dried Bloodstains. Curriculum Vitae of Dr. Marc A. LeBeau. Report of Examination.

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226 03-05-2007 Transcript

**Additional Text:**

Partial transcript of proceedings held on 03-01-07.

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227 03-05-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Sixteen (Continued) The motion to adjourn the trial for extended period of months is simply not practical nor could the jurors have a meaningful memory of the testimony previously heard. There is no practical reason to grant a mistrial. Bottom line, both parties had opportunity to pursue testing, the defense did not do that. Court directs the State to file an order on the courts ruling today.

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228 03-05-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Jury Trial - Day Sixteen State's Motion to Admit EDTA Test Results. State will make an offer of proof and defense will respond. No jury is present today. Testimony presented. Exhibit 433, curriculum vitae of Dr. Marc LeBeau. Exhibit 434, standard operating procedure for conducting test of dried blood. Exhibit 436, article dated November/December 1997 from toxicology manual. Exhibit 437, article dated August, 1997 from Journal Analytical Chemistry. Exhibit 435, copy of lab report issued by Dr. LeBeau for this case. Exhibit 438, declaration made by Dr. LeBeau in another case involving EDTA. Exhibit 439, Notice to the Court re: test results in Florida Sybers Case. Exhibit 440, EDTA testing order approved in Cooper case. Exhibit 441, Guidelines and Comparison for Mass Spectrum. Exhibit 442, chart that summarizes results of series of tests. Exhibit 443, graph of Poss. Cont. B Q49 sample. Exhibit 444, 2 pages, EDTA stability study. Exhibit 445, list of products that contain EDTA. Exhibit 446, white binder with lab sheets and reports. Court finds that the State has met its burden of proof and will grant the motion to allow the doctor to testify. Defense counsel asks the court to reconsider its decision based on admissibility of expert testimony. Court will deny the request to reconsider its decision. Court gives his rulings on the defense Motion for Sequential Independent Testing. Court finds the defense knew about the blood vial long before the State. Should the defense wish to pursue testing, they could have disclosed the knowledge of the blood long before they did. Court finds the defense motion for sequential independent testing and funding must be denied. The reasons are the defense had adequate time if it wanted it tested. Court does not find that the FBI was the only lab or only qualified lab to do the testing in this type of matter.

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229 03-04-2007 Other papers

**Additional Text:**

Defendant's Reply in Support of Motion for Sequential Independent Testing and Funding.

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230 03-02-2007 Transcript

**Additional Text:**

Partial transcript of proceedings held on 03-01-07.

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231 03-02-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Fifteen Defendant in custody. Testimony presented. Exhibit 429, photo of cranial bone fragments with defect area (outer surface). Exhibit 430, photo of cranial bone fragments

with defect area (inner surface). Exhibit 431, photo of x-ray of other charred bone fragments. Exhibit 432, curriculum vitae of Dr. Jeffery Jentzen.

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232 03-01-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Fourteen Defendant in custody. Testimony presented. Attorney Fallon reads to the Court and the jury the stipulation between the parties that they agree that the bone fragments identified as human from the burn pit behind Steven Avery's garage, from the burn barrel #2 behind the residence of Barb Janda and bone fragments suspected as possible human bone from the quarry pile in the Radandt Gravel Pit south of the Avery Salvage Yard were sent to the FBI laboratory in Quantico, Virginia on 11-02-06, 11-07-06 and 12-19-06 to attempt further DNA analysis. If called to testify, Dr. Leslie McCurdy of the FBI, DNA Analysis Unit, would testify that due to the condition of the submitted bone fragments, no DNA examinations could be conducted. Exhibit 403, curriculum vitae of Curtis Thomas. Exhibit 415, box containing burnt electronic components. Exhibit 404, photo of the contents of the box in exhibit 415. Exhibit 405, photo of back cover of Motorola Razor cell phone. Exhibit 406, photo of front cover of Motorola cell phone. Exhibit 407, photo of front cover of Motorola Razor cell phone. Exhibit 408, photo of internal key pad from cell phone. Exhibit 409, photo of pieces of burnt cell phone. Exhibit 410, photo of burnt evidence placed together. Exhibit 411, photo of camera lens cover. Exhibit 412, photo of burnt pieces of cell phone. Exhibit 413, photo of all evidence laid out. Exhibit 414, report of Curtis Thomas. Exhibit 416, copy of curriculum vitae of William Newhouse. Exhibit 417, CD containing photos taken by William Newhouse. Exhibit 418, William Newhouse's report dated 02-21-06. Exhibit 419, William Newhouse's report dated 05-10-06. Exhibit 420, copy of worksheet used by Mr. Newhouse for cartridge casings. (withdrawn) Exhibit 425, copy of worksheet used by Mr. Newhouse for bullets. Exhibits 421,422,423,424, copy of photos of cartridge comparisons. Exhibits 426,427,428, copy of photos of bullet comparisons.

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233 02-28-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial-Day Thirteen continued Exhibit 384, photo of skull fragments. Exhibit 385, photo of bone fragments and muscle tissue. Exhibit 386, photo of human facial bones. Exhibit 387, photo of portion of facial bones. Exhibit 388, photo of graphic of a human skull. Exhibit 389, photo of a graphic of a male and female skeleton. Exhibit 390, photo of cranial bone fragment. Exhibit 391, photo of 3 different skull bones matching together. Exhibit 392, photo of skull bones matching together. Exhibit 393, photo of another view of the skull bones. Exhibit 394, photo of another view of the skull bones. Exhibit 395, photo of another view of the skull bones. Exhibit 396, photo of graphic of skeleton marking the parietal defect. Exhibit 397, photo of x-ray of 2 skull bone fragments. Exhibit 398, photo of x-ray of selected cranial fragments. Exhibit 399, photo of graphic of skeleton marking the occipital defect. Exhibit 400, photo of graphic of skeleton marking the portions of bones which were found in the burn pit. Exhibit 401, copy of diagram depicting what type of bones were identified as human in the Janda burn barrel no: 2. Exhibit 402, diagram of birds eye view of Avery Salvage Yard.

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234 02-28-2007 Jury trial

Willis, Patrick L.

Hau, Jennifer K.

**Additional Text:**

Jury Trial-Day Thirteen Defendant in custody. The parties met prior in chambers and further dicussed the voice mail records of the victim's cell phone. The Court had reserved ruling on the objection to these record. Attorney Buting states that an explanation to these records may or not be acceptable to the defense. The State will be following up and may present witnesses from Cingular to clear this up. Attorney Kratz indicates that witnesses will be called prior to the end of the State's case which will help clear this matter up. Exhibit 372, computer records of voice mails from Teresa Halbach's cell phone from 10-31-05 to 11-03-05. Testimony presented. Exhibit 363, photo of dog and burn pit behind Steven Avery's garage. Exhibit 364, photo of burn pit, different

angle. Exhibit 365, photo of burn pit, different angle. Exhibit 366, photo of portion of burn pit and Steven Avery's trailer prior to any investigation taking place. Exhibit 373, small box containing a zipper pull found in the burn pit. Exhibit 367, photo of hammer located next to burn pit. Exhibit 368, photo of screwdriver located in burn pit. Exhibit 369, photo of masonry tool located in burn pit. Exhibit 370, photo of shovel found next to burn pit. Exhibit 371, photo of metal frame from vehicle seat located by burn pit. Exhibit 374, copy of Dr. Simley's curriculum vitae. Exhibit 377, copy of pictures used in power point presentation regarding the teeth and jaw. Exhibit 376, CD rom of power point presentation of the pictures in exhibit 377. Exhibit 375, box containing tooth fragment. Exhibit 379, copy of receipt for Teresa's cell phone. Exhibit 380, copy of contract through Cingular for Teresa's cell phone. Exhibit 378, copy of receipt for Teresa's palm pilot. Exhibit 381, curriculum vitae of Leslie Eisenberg. Exhibit 382, photo of investigators and Dr. Eisenberg sorting through burnt material. Exhibit 383, photo of contents of initial box submitted to Dr. Eisenberg by the Calumet County Sheriff's Dept.

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235 02-27-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Twelve Defendant in custody. Defense moves to suppress and move to strike any testimony regarding the bullet labeled FL by the crime lab. Defense filed a motion on 03-07-06 for Fair Forensic Testing. Not only did the crime lab bring in new trainees to observe this testing but they could have notified the defense to allow them to have an expert there as well. Ms. Culhane used the sample all up, destroying the DNA making it unable for the defense to retest. State asks for time to reply to this motion, having just been notified about it now. Court will take the renewal of this motion under advisement at this time. Testimony presented. Exhibit 349, photograph of Steven Avery. Exhibit 350, photograph of Allan Avery. Exhibit 351, photograph of Delores Avery. Exhibit 352, photograph of Chuck Avery. Exhibit 353, photograph of Earl Avery. Exhibit 354, photograph of Barbara Janda. Exhibit 355, interview between Blaine Dassey and DCI Agent, dated 11-07-05. Exhibit 356, report of interview of Scott Tadych. Exhibit 357, report of interview of Scott Tadych dated 11-29-05. Exhibit 358, report of interview between Inv. Diederling and Scott Tadych dated 03-30-06. Exhibit 359, call record for incoming/outgoing call for Steven Avery. Exhibit 360, subscriber names and numbers. Exhibit 361, call record activity from Cingular. Exhibit 362, summary exhibit subscriber names and numbers.

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236 02-26-2007 Motion

**Additional Text:**

Defendant's Motion for Sequential Independent Testing and Funding. Affidavit of Dean A. Strang. (Ordered Sealed)

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237 02-26-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Eleven Defendant in custody. Testimony presented. Exhibit 341, case communication record. Exhibit 342, case communication record dated 12-15-05. Exhibit 343, e-mail to Shirley Culhane from Ken Kratz dated 2-7-06. Exhibit 344, evidence release/return form. Exhibit 345, copy of report prepared by lab re: test results. Exhibit 346, Wisconsin Crime Lab Contamination Log. Exhibit 347, copy of deviation request form. Exhibit 348, express mail package from Crime Lab back to Manitowoc County Sheriff's Department. State renews its "Richardson Motion" with the Court. State is looking for any disclosure regarding any frame up evidence, wants an offer of proof, and to be heard outside the presence of the jury. Court knows from conferences held with counsel that the defense knew about the DNA on the key and hood latch and that it wasn't blood. Court is going to order that the State gets notice from the defense.

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238 02-23-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Ten Continued Exhibit 316, photograph of key and package it came in. Exhibit 339, Sherry Culhane power point CD. Exhibit 340, printout of powerpoint. State asks for exhibit 337 to be removed and turned over to Investigator Wiegert for storage. Defense has no objection. Court will allow exhibit 337 to be removed.

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239 02-23-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Ten Continued. Exhibit 303, photograph of Grand Am front of vehicle belonging to Steven Avery. Exhibit 304, photograph of view from passenger side of Grand Am. Exhibit 305, photograph of closer view of counsel area of Grand Am. Exhibit 306, photograph of front RAV4's driver's side bumper headlight missing. Exhibit 307, photograph of overall back of RAV4 Exhibit 308, photograph of view primarily of spare tire of RAV4 Exhibit 309, copy of Sherry Culhane's curriculum vitae. Exhibit 310, copy of protocols presently being used in the Wisconsin State Crime Lab. Exhibit 319, buccal swab of Barbara Janda. Exhibit 320, buccal swab of Bobby Dassey. Exhibit 321, buccal swab of Earl Avery. Exhibit 322, buccal swab of Charley Avery. Exhibit 323, buccal swab of Delores Avery. Exhibit 324, buccal swab of Steven Avery. Exhibit 251, buccal swab of Brendan Dassey. Exhibit 318, buccal swab of Brian Dassey. Exhibit 317, buccal swab of Alan Avery. Exhibit 325, slide holder containing pap smear from Teresa Halbach. Exhibit 311, copy of crime lab report dated 11-14-05. Exhibit 312, copy of crime lab report dated 12-05-05. Exhibit 313, copy of crime lab report dated 03-31-06. Exhibit 314, copy of crime lab report dated 05-08-06. Exhibit 315, copy of crime lab report dated 12-04-06. Exhibit 326, swab from RAV4 crime lab marking A1. Exhibit 327, swab from RAV4 crime lab marking A2. Exhibit 328, swab from RAV4 crime lab marking A4. Exhibit 329, swab from RAV4 crime lab marking A3. Exhibit 330, Pepsi can from RAV4 crime lab marking A14. Exhibit 331, cutting of stain from RAV4 crime lab marking A9, Exhibit 332, swab from RAV4 crime lab marking A10. Exhibit 333, cutting of stain from RAV4 crime lab marking A10. Exhibit 335, swab from RAV4 crime lab marking A7. Exhibit 334, swab from RAV4 crime lab marking A12. Exhibit 336, swab from RAV4 crime lab marking A8. Exhibit 337, container containing charred remains crime lab marking BZ.

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240 02-23-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Ten Defendant in custody. Court wants to make a further record of the side bar held with counsel yesterday during the individual voir dire of juror. Court states his reasons for his decision not to strike this juror from the panel yesterday. Court was notified earlier today that a close family member of one of the jurors has died. That juror has asked leave to attend the funeral which is out of state. Court has excused this juror. Defense renews his motion to strike the juror from yesterday. Court notes the objection for the record. Defense wishes to renew his motion to suppress based on the search of Steven Averys premises. Court is not going to rule on this matter since all the testimony is not in regarding the burn barrel. Testimony presented. Exhibit 288, Daisy Fuentes Jeans. Exhibit 287, blue lanyard Air National Guard. Exhibit 285, photograph of lanyard. Exhibit 386, photograph of lanyard and connecting piece known as the fab. Exhibit 289, photograph of exterior view RAV4 driver's side. Exhibit 290, photograph of front interior portion of RAV4 driver's side. Exhibit 291, photograph of interior RAV4 driver's side instrument panel. Exhibit 292, photograph of items found on front passenger seat of RAV4. Exhibit 293, photograph of view of front passenger area through passenger door. Exhibit 294, photograph of frame area of RAV4 toward passenger side back seat. Exhibit 295, photograph of view looking at cargo area RAV4 with stain. Exhibit 296, photograph of closer view of stained area in cargo area. Exhibit 297, photograph of closer view of stained area in cargo area. Exhibit 298, photograph of molding and metal frame area back cargo area. Exhibit 299, photograph of interior portion of rear cargo door. Exhibit 300, photograph of overall view of whole cargo area. Exhibit 301, photograph of driver's side of cargo area. Exhibit 302, photograph of battery cable disconnected on RAV4.

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**Additional Text:**

Petition for Attendance of Out-of-State Material Witness, to wit, Lisa Buchner; Verification of Jerome F. Buting; Certificate of Judge Requesting State, for the Attendance of Out-of-State Material Witness, to-wit, Lisa Buchner; Affidavit of Manitowoc County Clerk of Court.

**Additional Text:**

Day Nine Continued. Exhibits 252 through 261, garage floor swabs. Exhibit 249, electrical cord. Exhibit 250, shell casings. Exhibit 247, Glenfield 22 Rifle. Exhibit 248, Muzzle Loader Rifle. Exhibit 245, photograph of Teresa Halbach missing person poster. Exhibit 219, photograph of Toyota key. Exhibit 246, photograph of ammunition taken out of Steven Avery bedroom. Exhibit 262, photograph of engine hoist. Exhibit 263, photograph of engine hoist. Exhibit 264, evidence property document filled out by Deputy Kuchinski. Exhibit 276, plastic bag with bullet fragment found on 03-01-06. Exhibit 277, paper bag with bullet fragment found on 03-02-06. Exhibit 273, photograph of several individuals processing debris from burn barrel. Exhibit 274, photograph of Inv. Wiegert and Special Agent Fassbender processing debris. Exhibit 279, clothing rivet with Daisy Fuentes stamped on it. Exhibit 275, photograph of rivet cleaned up showing the Daisy Fuentes stamp. Exhibit 265, photograph of inside of Avery garage with markers taken 03-01-06. Exhibit 266, photograph of blackjack brand car creeper and air compressor. Exhibit 267, photograph of plastic jug indicating paint thinner. Exhibit 268, photograph of crack in concrete with bullet fragment in it, tent 9. Exhibit 269, photograph of closer view of exhibit 268. Exhibit 270, photograph of bullet found under air compressor, tent 23. Exhibit 271, photograph of close up of bullet from exhibit 270. Exhibit 272, photograph of exhibit 276. Exhibit 283, photograph of tent 10 with crack and shell casing. Exhibit 284, photograph of tent 11 with shell casing.

**Additional Text:**

Jury Trial - Day Nine Defendant in custody. Testimony presented. Court takes up a matter that was brought to his attention yesterday by the jury bailiff. A juror passed on information that she was a juror in the case of Det. Dave Remiker. She did not recognize the name but recognized him on the stand. State would like the juror individually voir dired. Defense wants the juror struck for cause. Court believes it is necessary to conduct individual voir dire, this portion of the proceedings will remain open to the public but will be void of any audio or video coverage. Court further asks the media not to identify the juror. Court finds this particular juror to be very credible for particular reasons, she did not have to report the fact she had been on a jury seven years ago with one of the witnesses in this case, court finds given the facts there isn't any reason why a person who was a juror seven years ago cannot serve on this trial. Court denies the motion to strike for cause. Exhibit 220, photograph of box and shell casings from scene. Exhibit 230, photograph of Suzuki Samari. Exhibit 231, photograph of Suzuki and snowmobile. Exhibit 232, photograph of rear of garage. Exhibit 233, photograph of rear of garage toward west. Exhibit 234, photograph of west side of garage. Exhibit 235, photograph of west wall of garage showing service door. Exhibit 236, photograph of east side of garage. Exhibit 237, photograph of garage floor with snowmobile removed. Exhibit 238, photograph of garage floor more toward the center. Exhibit 239, photograph of garage floor toward read of Suzuki. Exhibit 240, photograph of garage floor south side of garage. Exhibit 241, photograph of overall picture of area showing blood spots with tents one through eight. Exhibit 242, photograph of closer up photo of tents four through eight. Exhibit 243, photograph of closer up photo of tents four through six. Exhibit 244, photograph of closer up photo of tents seven through eight.

**Additional Text:**

Jury Trial - Day Eight Defendant in custody. Testimony presented. Exhibit 214, copy of evidence transmittal form to crime lab dated 09-19-02. Exhibit 215, copy of interview between Lt. Lenk and Inv. Steir dated 01-11-07. Exhibit 216, copy of report of Inv. Wiegert pages 5-8. Exhibit 217, photograph of livingroom of Mr. Avery's Trailer scanner. Exhibit 218, video clip of phone message left on Barbara Yanda's answering machine of Teresa Halbach. Exhibit 227, photograph of inside Avery Garage and overhead door. Exhibit 221, photograph of empty 22 long rifle casing evidence tent 11. Exhibit 222, photograph of empty 22 long rifle casing evidence tent 12. Exhibit 223, photograph of empty 22 long rifle casing evidence tent 13. Exhibit 224, photograph of empty 22 long rifle casing evidence tent 14. Exhibit 225, photograph of empty 22 long rifle casing evidence tent 15. Exhibit 226, photograph of empty 22 long rifle casing evidence tent 16. Exhibit 228, photograph close up of electric wires in garage. Exhibit 229, photograph of electrical cords cut down. Note from Bailiff to Court.

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245 02-21-2007 Transcript

**Additional Text:**

Transcript of motion hearing held on 01-04-07. Transcript of pretrial motion held on 02-02-07.

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246 02-20-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Seven Defendant in custody. Testimony presented. Exhibit 206, photo of bathroom sink in Steven Avery's house. Exhibit 207, photo of washing machine located in bathroom of Steven Avery's house. Exhibit 164, photo of .22 caliber rifle found in Steven Avery's bedroom. Exhibit 165, photo of muzzle loader found in Steven Avery's bedroom. Exhibit 158, photo of wheel rim with wires found by burning barrel. Exhibit 208, photo of book case found in Steven Avery's bedroom. Exhibit 209, another photo of book case found in Steven Avery's bedroom. Exhibit 210, photo of Toyota key found in Steven Avery's bedroom. Exhibit 211, Toyota key found in Steven Avery's bedroom. Exhibit 212, copy of CD from Manitowoc County Sheriff's Department or radio transmissions between 11-03-05 and 11-12-05. Exhibit 213, copy of Sgt. Colborn's statement dated 09-12-03. At this time, the State would like to know if the defense is abandoning the theory of defense that Sgt. Colborn and Lt. Lenk planted evidence in this case. Both these witnesses have been on the stand and nothing about planting evidence was asked. Attorney Strang feels that this request is way to premature since the defense has not even gotten to their case in chief. The Court understands that the defense is not abandoning this theory at this point and if they decide to, they will notify the State.

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247 02-19-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Six Continued - Exhibit 202, Auto Trader Magazine located on top of computer desk in Steven Avery's living room. Exhibit 176, evidence photo of notebook page with phone number. Exhibit 177, photo of for sale sign found in Steven Avery's house. Exhibit 178, photo of front of for sale sign. Exhibit 179, photo of back of for sale sign. Exhibit 180, photo of Auto Trader Magazine as found in Steven Avery's house. Exhibit 181, evidence photo of the Auto Trader Magazine. Exhibit 195, bottle of bleach found in Steven Avery's house. Exhibit 201, bill of sale for Auto Trader Magazine found in Steven Avery's house. Exhibit 182, photo of bill of sale as found in Steven Avery's house. Exhibit 183, evidence photo of bleach bottle. Exhibit 184, photo of carpet cleaning machine found in Steven Avery's house. Exhibit 185, photo of blood spot found in Steven Avery's bathroom. Exhibit 186, closer shot of photo of blood spot found in bathroom. Exhibit 188, photo of letter as identifier for Steven Avery found in his living room. Exhibit 189, photo of another identifier envelope for Steven Avery found in his living room. Exhibit 190, evidence photo of University of Wisconsin Law School envelope found in Steven Avery's living room. Exhibit 191, photo of the front of the RAV4. Exhibit 192, photo of hood latch on RAV4. Exhibit 205, evidence package containing a DNA swab from the hood latch of the RAV4. Exhibit 193, photo of injury to Steven Avery's finger on his right hand. Regarding exhibit

89. This exhibit was marked on 02-14-07. It was received but should not have been. The parties do not want this exhibit to be considered by the jury. The Court does NOT receive exhibit 89 into evidence. Attorney Strang brings up exhibit 28 which is a statement of JoEllen Zipperer. This was marked only to help refresh her memory. The State feels that it should be admitted and offers it at this time. The defense objects. The Court comments and does not receive exhibit 28.

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248 02-19-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial - Day Six. Defendant in custody. Testimony presented. Exhibit 156, photo of 5th burning barrel with burned circuit board in it. Exhibit 159, Statement of Qualifications for John Ertl. Exhibit 160, copy of e-mail between Agent Fassbender and John Ertl dated 07-03-06. Exhibit 161, photo of RAV 4 with tarp covering it from car crusher point. Exhibit 162, photo of RAV 4 from car crusher point. Exhibit 154, photo of plastic remains of cell phone found in burning barrel. Exhibit 155, another photo of plastic remains of cell phone found in burning barrel. Exhibit 156, another photo of plastic remains of cell phone found in burning barrel. Exhibit 163, photo of Steven Avery's bedroom. Exhibit 166, photo of gun rack directly above the bed. Exhibit 196, gun rack located above the bed in Steven Avery's bedroom. Exhibit 167, evidence photo of gun rack. Exhibit 168, photo of book case in Steven Avery's bedroom. Exhibit 169, photo of back panel of book case located in Steven Avery's bedroom. Exhibit 170, photo of night stand located in Steven Avery's bedroom. Exhibit 171, evidence photo of night stand. Exhibit 172, photo of carpeting in Steven Avery's bedroom. Exhibit 204, hand cuffs found in Steven Avery's bedroom. Exhibit 203, leg irons found in Steven Avery's bedroom. Exhibit 173, evidence photo of handcuffs. Exhibit 174, evidence photo of leg irons. Exhibit 200, identifiers for Steven Avery found in his residence. Exhibit 175, photo of computer area in Steven Avery's living room. Exhibit 198, blue pocket sized notebook with the victim's phone number in it found in Steven Avery's computer desk. Exhibit 197, green pocket sized notebook found in Steven Avery's computer desk. Exhibit 199, red pocket sized notebook found in Steven Avery's computer desk. Exhibit 194, "for sale" sign found in Steven Avery's computer desk with address on the back and the victim's phone number on the back.

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249 02-16-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial Day Five. Defendant in custody. Testimony presented. Exhibit 128, photo of Julie Cramer and "Brutus". Exhibit 129, Brutus 2005 evaluation and certification paperwork. Exhibit 130, photo of the condition of RAV4 when it was found. Exhibit 131, photo of the hood and windshield area of the RAV4. Exhibit 132, photo of the front passenger side quarter panel of the RAV4. Exhibit 133, photo of rear driver side quarter panel of RAV4. Exhibit 134, photo of passenger side of RAV4. Exhibit 135, photo of rear portion of RAV4 with debris. Exhibit 136, photo of passenger side, rear corner of RAV4. Exhibit 137, photo of passenger side view of RAV4. Exhibit 138, photo of front passenger side view of RAV4. Exhibit 139, photo of station wagon where license plates to RAV4 were found. Exhibit 140, closer photo of station wagon showing where license plates were found in the vehicle. Exhibit 141, photo of license plates as they were found in the station wagon. Exhibit 142, copy of sign in/sign out log from the car crusher check point on the Avery property. Exhibit 143, photo of RAV4 covered by tarps. Exhibit 144, photo of RAV4 covered by tarps, different angle. Exhibit 145, photo of aluminum smelter found on the Avery property. Exhibit 146, copy of sign in/sign out log from Avery property dated 03-02-06. Exhibit 147, copy of sign in/sign out log from Avery property dated 03-01-06. Exhibit 148, photo of notebook found in Avery residence with Teresa Halbach's phone number on it. Exhibit 149, photo of another sign found in Avery residence with Teresa Halbach's phone number on it and Zander Road written on it. Exhibit 150, photo of Auto Trader Magazine found in Avery residence. Exhibit 151, photo of bill of sale from Auto Trader Magazine found in Avery residence. Exhibit 152, rear license plate of RAV4. Exhibit 153, front license plate of RAV4.

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250 02-15-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial Day Four. Defendant in custody. Testimony presented. The parties stipulate regarding the testimony of Michael Osmnson. The stipulation is read to the jury. Exhibit 123, photo of deer and deer tag. Exhibit 124, copy of Investigator John Dederling's report. Exhibit 125, copy of Officer Schultz's log-in sheet used during search of the Avery property. Exhibit 126, CD of radio log from Manitowoc County Sheriff's Department from 11-05-05. Exhibit 127, photo of aerial view of Avery Road. Juror Question and Memo from Court Ordered Sealed. Statement to Jurors Regarding Juror Questions.

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251 02-14-2007 Jury trial

Willis, Patrick L.

Platkowski, S.

**Additional Text:**

Jury Trial Day Three Continued. Exhibit 77, photograph of overview of Salvage Yard. Exhibit 78, photograph of overview of Salvage Yard. Exhibits 74 through 78 are different angles. Exhibit 89, pages 515 and 516 of Calumet County Police Report indicating the interview of Bobby Dassey. Exhibit 90, hard copy forensic mapping analysis completed by Trooper Austin. Exhibit 117, CD-Rom Animation. Exhibit 91 - 116, photos used to make animation. Exhibit 118, photograph of southeast part of salvage yard where RAV4 recovered. Exhibit 119, photograph of garage with John Deehr tractor. Exhibit 120, photograph of east side of garage with Suzuki. Exhibit 121, photograph of south wall showing air compressor. Exhibit 122, CD Power Point Presentation.

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252 02-14-2007 Jury trial

Willis, Patrick L.

Platkowski, S.

**Additional Text:**

Continuation of Day Three Jury Trial Exhibit 43, photograph of back of Steven Avery trailer. Exhibit 44, photograph of Steven Avery trailer, garage, truck and dog house. Exhibit 45, photograph of Steven Avery garage and truck. Exhibit 46, photograph of Steven Avery garage with service door open. Exhibit 47, photograph of Steven Avery burning pit. Exhibit 48, photograph of directly behind Steven Avery garage. Exhibit 49, photograph of burning pit behind Steven Avery garage and dog house. Exhibit 50, photograph of burning pit at a different angle and dog "Bear". Exhibit 51, photograph of Steven Avery burn barrel. Exhibit 52, photograph of Yanda/Dassey burn barrels. Exhibit 53, photograph of Steven Avery trailer. Exhibit 54, photograph of Barbara Yanda house. Exhibit 55, photograph of Barbara Yanda answering machine. Exhibit 56, photograph of Allan and Delores Avery's house. Exhibit 57, photograph of Allan and Delores Averys' house, different angle. Exhibit 58, photograph of salvage shop busines area. Exhibit 59, photograph of Plymouth Voyager Van. Exhibit 60, photograph of Plymouth Voyager Van, different angle. Exhibit 61, photograph of Plymouth Voyager Van, Yanda house in background. Exhibit 62, photograph of Steven Avery's car Pontiac Grand Am. Exhibit 63, photograph of salvage yard flatbed. Exhibit 64, photograph of Delores' golf cart. Exhibit 65, photograph of Barbara Yanda's golf cart. Exhibit 66, photograph of car crusher. Exhibit 67, photograph of front view of car crusher. Exhibit 68, photograph of back view of car crusher. Exhibit 69, photograph of pit. Exhibit 70, photograph of crushed cars. Exhibit 71, photograph of tires north of car crusher. Exhibit 72, photograph of pile of tires south west of Steven Avery's trailer. Exhibit 73, photograph of Avery Salvage Sign. Exhibit 74, photograph of overview of Salvage Yard. Exhibit 75, photograph of overview of Salvage Yard. Exhibit 76, photograph of overview of Salvage Yard.

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253 02-14-2007 Jury trial

Willis, Patrick L.

Platkowski, S.

**Additional Text:**

Jury Trial Day Three Defendant in custody. Testimony presented. Defense counsel raises the issue that a witness Bobby Dassey made a statement in court that on 11-03-05 when he was in the presence of a Mike in his garage Steven came over and asked them if they wanted to help him get rid of the body. Bobby thought Steven was joking. Defense indicates they have no written summary of an interview where Bobby Dassey made this statement. He does have a

statement of a Mike Osmunson stating on 11-10-05 he was with Dassey and Steven came over and this statement was made, but he thought it was a joke. Page 259 of police report. Defense counsel moves for mistrial. State objects there were several ways the defense could have dealt with this. Defense concedes they did not interview Bobby Dassey and the remedy is not to recall the witness and repeat the statement over and over before the jury but the remedy is for mistrial Court is confident that discovery has been complied with, but the Court also believes that defense is entitled to have adequate time to cross-examine the witness and attempt to attack the statement. Court will have the State make this witness available to recall at a later date after he has more time to digest the statement or post-pone his cross examination. Parties have agreed to take a witness out of order. The defense has asked to defer its cross-examination of Bobby Dassey until tomorrow to allow them to interview him. Court has denied the motion for mistrial, but has agreed to allow the defense to interview the witness. Exhibit 37, photograph of Steven Avery trailer with burn barrel. Exhibit 38, photograph of Steven Avery trailer and garage. Exhibit 39, photograph of closer shot of Steven Avery's trailer. Exhibit 40, photograph of Steven Avery's front door. Exhibit 41, photograph of door to far left of Steven Avery trailer. Exhibit 42, photograph of back of Steven Avery trailer with pool.

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254 02-13-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Continuation of Day Two of Jury Trial Exhibit 36, two e-mails of counsel stating stipulations.

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255 02-13-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial Day Two Defendant in custody. Court calls the case outside the presence of the jury. State objects to defense counsel's opening statement yesterday. First third party bias, second institutional bias and third statements of Steven Avery. Court states these issues are not objectionable and that opening statements are just that, opening statements. Testimony presented. Exhibit 11, photograph taken at Avery Salvage property of trailer on 06-20-05. Exhibit 12, photograph taken at Avery Salvage property of truck on 08-22-05. Exhibit 13, photograph taken at Avery Salvage property of black car on 08-29-05. Exhibit 14, photograph taken at Avery Salvage property of red car on 09-19-05. Exhibit 15, photograph taken at Avery Salvage property of blue car on 09-19-05. Exhibit 16, photograph taken at Avery Salvage property of silver car on 10-10-05. Exhibit 17, photo shoot/re-shoot form. Exhibit 18, appointment detail for Teresa Halbach on 08-18-05. Exhibit 19, appointment detail for Teresa Halbach on 09-19-05. Exhibit 20, lead form dated 10-31-05. Exhibit 21, lead form dated 10-29-05 and faxed back by Teresa on 10-31-05. Exhibit 22, lead form that prints with schedule. Exhibit 23, lead sheet of Teresa dated 10-10-05. Exhibit 24, private photo log done by Teresa. Exhibit 25, photograph aerial view of Avery property. Exhibit 26, bag containing materials from Auto Trader Magazine given to Ms. Zipperer. Exhibit 27, photograph of items in exhibit 26. Exhibit 28, written statement of Mrs. Joellen Zipperer. Exhibit 29, photograph of back of RAV4 tire taken 11-05-05. Exhibit 30, photograph of side of RAV4 taken 11-05-05. Exhibit 31, photograph of front of RAV4 with debris on it taken 11-05-05. Exhibit 32, photograph of left rear tire taken 11-05-05. Exhibit 33, photograph of left side driver's side door taken 11-05-05. Exhibit 34, photograph of top of vehicle with branches taken 11-05-05. Exhibit 35, CD-Rom of call made to Sheriff Pagel from Pam Sturm.

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256 02-12-2007 Jury trial

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Jury Trial Day One Defendant in custody. Defense counsel stipulates to the second element of count 3, of the Second Amended Information. Defendant intends to stipulate that he has been convicted of a felony before 11-05-05. Court accepts the stipulation of Mr. Avery regarding the second element. State has made a request of the court to delete the language of Brendan Dassey in its opening instructions and replace it with the language another. Defense objects.

Court will grant the request and substitute the wording. At 9:30 a.m. the jury is brought into the courtroom. The Clerk swears the jury to try the case. Court gives opening instructions. State gives opening statement to the jury. (10:00 a.m. to 11:41 a.m.) Defense gives opening statement to the jury. (1:06 p.m. to 2:27 p.m.) Testimony presented. Exhibit 1, photograph of Teresa Halbach. Exhibit 2, photograph of Halbach family. Exhibit 3, photograph of Teresa's license plate SWH-582. Exhibit 4, photograph of Teresa's front license plate. Exhibit 5, photograph of Teresa in front of Toyota RAV4. Exhibit 6, photograph of box for Zire 31 palm pilot. Exhibit 7, photograph Cannon Powershot A310 box. Exhibit 8, box for Zire 31 Palm Pilot. Exhibit 9, box for Cannon Powershot A310. Exhibit 10, photograph of missing person's poster.

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257 02-09-2007 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Continuation of Motion Hearing. Testimony of Tim Austin, Trooper Wisconsin State Patrol. Defense counsel does not believe there is a problem with the skeletal model and will probably withdraw his motion regarding that. As for the Avery property that is a little more problematic because things can be taken out or put in. He believes that a photograph is more accurate. State argues this is demonstrative evidence and asks the court to adopt them. Court comments at this point court does not have enough evidence to know what role it would play. Court would like a foundation before admission. Defense states the photographs which State wishes to use in his opening are not objectionable. As for computer animations there is one of the interior of the garage which will be replaced with a photograph. Court has been given a draft of the original preliminary instructions which he intends to give to the jury before trial. Court asks counsel if there are any they wish to add or changes to be made to e-mail him this weekend and he will respond. Defense counsel informs the Court that they will be stipulating to the second element of felon in possession of firearm.

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258 02-09-2007 Jury selection

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Thirty jurors present in courtroom. Counsel each make seven preemptory challenges alternately and the following jurors remain to served on the jury. No. 3, 4, 6, 11, 12, 18, 19, 24, 35, 41, 52, 54, 67, 71, 74, and 76. Attorney Strang has a motion to raise the Batson issue as to juror 30. State responds they struck this juror because they believe he lied on his questionnaire as well as his young age and/or lack of work experience. Court reviewed Batson, the first question to deal with is does the defendant have to be a member of a minority race to raise the issue of Batson. Court notes this is not the case. Second the State needs to articulate the reasoning for the preemptory challenge. Court finds that the State has articulated a sufficient reason to strike this juror. Court is satisfied that they have met their burden of proof and denies defense counsel's motion. Attorney Buting believes there may be some confusion regarding the court's order regarding the vial of blood. It was his understanding that defense would get half the blood in the vial and half the blood stains in the RAV4. Attorney Gahn is not sure there is an argument here or not, he will call the FBI and have an answer for counsel. At 10:55 a.m. the sixteen jurors are brought into the courtroom. Court admonishes the jurors not to discuss this case with anyone , not to watch local news, radio, read the paper unless it has been screened for them and not to research on the internet. They are free to go home and will report for jury duty on Monday morning in Calumet County. Courtroom Jury List with 30 names of jurors and preemptory challenges of counsel. At 1:33 p.m. in Calumet County. MOTION TO EXCLUDE USE OF COMPUTER ANIMATED IMAGES IN OPENING. Exhibit 1, curriculum vitae of Tim Austin. Exhibit 2, DVD of narrative report of Tim Austin. Exhibit 3, DVD with final version of animations. Exhibit 4, report images 4 x 6 prints.

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259 02-08-2007 Jury selection

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Fourth Day of Individual Voir Dire Court asks counsel about jurors 75 and

77 being pre-struck for cause. Counsel note that juror No. 75 may have been struck by the court and 77 on the record. Court notes Juror 75 was excused by the court earlier due to an illness problem there was no mention regarding juror No. 77. Counsel have a joint recommendation to strike for cause juror No. 77 and No. 78. No 77 for current arrest history and No. 78 on subjective bias. Court has reviewed their questionnaires and concurs with counsel, those jurors will be excused for cause. Juror No. 13 who was selected yesterday as a possible juror contacted the court stating financial hardship to serve as juror. Counsel agree to strike her for cause. Court will excuse this juror. Twelve more jurors questioned with nine remaining as possible jurors. Court has reached its 30 juror panel will conclude for the day to resume tomorrow for preemptory challenges of counsel at 9:00 a.m. Court will then break to resume in Calumet County for motions at 1:00 p.m.

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260 02-08-2007 Decision

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Decision and Order on Defendant's Motion Concerning Courtroom Security. Court concludes that other than the severity of the charges, there is no reason to authorize the use of any type of physical restraint on the defendant in this case during the trial and the court will therefore not order the issuance of any such restraint. There will be two armed deputies nearby as is customary in cases of this type and there is no reason to believe that level of security will not be sufficient.

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261 02-07-2007 Jury selection

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Third Day of Individual Voir Dire Court will grant the joint recommendation of counsel to strike jurors No. 44, 37, and 39 for cause. Court is going to impose a twenty minute time limit on each side to move things along. Counsel object to it. Court is going to stick with it. Counsel move to strike juror No. 51, 61, 63, 70, and 73. Court will strike these jurors for cause. Eleven more jurors questioned with six remaining as possible jurors.

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262 02-06-2007 Jury selection

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Second Day of Individual Voir Dire State wants to put on the record that he has provided defense counsel with four new images that he intends to use in his opening statement. He does not know if there will be an objection by the defense but did want to put him on notice. Defense counsel acknowledges receipt of the new images and concedes that an evidentiary hearing will have to be held before opening statements are made. Attorney Fallon states counsel have a joint agreement to strike for cause the following jurors No. 44, 37, and 39. Attorney Strang joins in the agreement. Court will review the questionnaires with that understanding. Eleven more jurors questioned with seven remaining as possible jurors.

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263 02-05-2007 Motion

**Additional Text:**

Defendant's Motion to Exclude State Expert Witness Testimony, and Motion to Compel Disclosure of Potentially Exculpatory Evidence.

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264 02-05-2007 Other papers

**Additional Text:**

Defendant's Amended Disclosure of Expert Witness Dr. Alan Friedman.

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**Additional Text:**

Defendant in custody. Court goes over the process of the jury selection so far. Discussion is held regarding the length of time counsel will have to question jurors. Counsel have a stipulation as to jurors they wish to excuse for cause. Juror No. 1, 2, 9, 15, 16, 22, 29, 31, 40, 42, 43, 46, 48, 58, 62, 64, 80, 83, 84, 85, 88, 92, 94, 95, 99, 104, 108, 112, 116, 117, 124, 130, 141, 142, and 143. These jurors are excused for cause for subjective bias, economical hardship and physical or mental health reasons. Individual voir dire of eleven potential jurors with nine individuals remaining.

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**Additional Text:**

Order Granting State's Request for Release of Blood Vial. It is ordered that for the reasons articulated on the record on February 2, 2007: 1. The vial of blood currently under seal in the Manitowoc County Clerk of Court's Office be unsealed and made available to representatives of the Calumet County Sheriff's Department to conduct scientific and forensic testing, including fingerprinting. The State may determine the order of all testing. 2. That the State will preserve sufficient sample from the blood vial and stains recovered from the RAV 4 for the defendant, should he pursue independent testing. Vial removed by M. Wiegert CASO at 10:33 a.m. on 02-05-07.

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**Additional Text:**

Defendant's Response to State's Motion for Release of Blood Vial Evidence and Blood Spot Cards for Scientific Testing.

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**Additional Text:**

Notice of Motion; Motion for Release of Blood Vial Evidence and Blood Spot Cards for Scientific Testing.

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**Additional Text:**

Defendant in custody. State files a Second Amended Information correcting the charged counts. Defense counsel acknowledges receipt and waives reading. STATE'S MOTION FOR RELEASE OF BLOOD VIAL EVIDENCE AND BLOOD SPOT CARDS FOR SCIENTIFIC TESTING. Counsel have lengthy argument on the issue. Court will grant the motion to test the blood vial and deny the request to adjourn the trial. State asks for fingerprinting to be done by FBI when they think it should be done. Court will give defense until the end of Monday to do photos and filming. State asks for the order to include the release of blood spot cards for comparison. Court wants to know more about spot cards before he rules on it. Court will allow the FBI to make a decision regarding the order of fingerprint testing. DEFENSE MOTION TO OBJECT TO ANIMATIONS State asks to defer this matter in the agenda due to the lateness of the day. DEFENSE MOTION TO EXCLUDE STATE'S EXPERT TESTIMONY Discussion held regarding experts and reports. Attorney Buting will prepare an order. MOTION TO DISMISS FROM HEARING HELD LAST WEEK Defense feels the dismissal of the two counts does not restore the presumption of innocence based on the answers to some questions in the questionnaire. Defense is looking for a curative instruction. Court notes that the parties will have time in voir dire to find out what opinions the jurors have made should the need to be looked at further. MOTION FROM DEFENSE REGARDING COURTROOM SECURITY Defense objects to the use of the stun belt on his client. Testimony given from Sheriff Pagel. Exhibit 1, letter from Sheriff



270 01-31-2007 Transcript

**Additional Text:**

Transcript of Judge's Decision held on 08-22-06.

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271 01-30-2007 Transcript

**Additional Text:**

Transcript of motion hearing held on 01-19-07.

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272 01-30-2007 Decision

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Decision and Order on Wrongful Conviction Evidence.

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273 01-30-2007 Decision

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Decision and Order on State's Motion to Exclude Blood Vial Evidence. Subject to the limitations set forth in its decision, the court orders that the defense may present evidence relating to the blood vial in Case No. 85 CF 118.

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274 01-30-2007 Decision

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Decision and Order on Admissibility of Third Party Liability Evidence. The defense is precluded from offering any direct evidence that a third party, other than Brendan Dassey, participated in the commission of the crimes charged in the Amended Information.

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275 01-30-2007 Other papers

**Additional Text:**

Defendant's Amended Disclosure of Expert Witness Scott Fairgrieve.

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276 01-29-2007 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Motion to Dismiss Counts 4, 5, and 6 of the Information. Counsel argue their position on the motion. Court comments regarding jury procedure, the questionnaire will take place of general voir dire. In order to give accurate answers, the jurors should know all the charges against the defendant. Based on the courts findings, the State moves to dismiss count 4 of the Amended Information, 1st degree sexual assault with use of dangerous weapon and count 5 of the Amended Information, Kidnapping. Court grants the motion to dismiss but will not rule on the with prejudice issue, the law is without prejudice. At 8:49 a.m. First group of 69 jurors are brought into courtroom. Court reads the Amended Information to the jurors. Court introduces the parties of the action. Court reads the preemptory instructions to the jury. The Clerk swears the jurors on voir dire. Court adjourns and the jurors complete the questionnaire. At 10:45 a.m. Second group of 66 jurors are brought into courtroom. Court reads the Amended Information to the jurors. Court introduces the parties of the action. Court reads the preemptory instructions to the jury. The Clerk swears the jurors on voir dire. Court adjourns and the jurors complete the questionnaire. Random Listing of Jurors.

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277 01-29-2007 Motion

**Additional Text:**

Defendant's Motion to Dismiss Sexual Assault, Kidnapping, and False Imprisonment Charges.

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278 01-26-2007 Other papers

**Additional Text:**

Defendant's Second Motion in Limine. Filed Under Seal. Defendant's Motion Concerning Courtroom Security. Ordered Sealed per the Court.

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279 01-22-2007 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Regulating Conduct of Witnesses During Trial.

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280 01-22-2007 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Regarding Trial Administration.

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281 01-19-2007 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Continued... Court notes there is a stipulation regarding the exclusion of witnesses at trial. There is a joint stipulation of counsel which has been drafted. EVIDENTIARY MOTIONS - MOTION TO PRECLUDE 3RD PARTY LIABILITY EVIDENCE State moves to conduct an in-camera inspection because there will be a great deal of discussion of facts, some of the facts may not be heard by the jury, especially with this close in time with jury selection to begin and not to contaminate the jury pool. Defense does not oppose the in-camera hearing. Court notes the general rule that is that court proceedings are public but in certain proceedings the court can be closed. There are circumstances that warrant in this situation, this case has received extensive media coverage. Some information may become highly prejudicial and threaten the fairness of trial if this motion is to be argued in an open courtroom. Court will conduct an in-camera out of view of the public. State asks for compliance with discovery be completed within three days. Court orders it to be completed by 01-24-07. State has proposed jury instructions to present to the Court as well as images and power point demonstration to include in its opening. Court notes both sides are free to supplement jury instructions. Court closes the courtroom to the public to have an in-camera hearing. DENNY MOTION- DEFENSE STATEMENT ON THIRD PARTY LIABILITY AND PLANTED BLOOD VIAL ISSUE Defense counsel wishes to exclude the two Manitowoc County Deputies in the courtroom based on what they may hear. Court has them removed from the courtroom but they may remain outside the courtroom doors. Counsel argue. Court notes he will let the parties know his decision. Final pretrial motions set for 02-02-07 at 2:00 p.m.

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282 01-19-2007 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. STATE'S MOTION FOR RELIEF FROM PRE-TRIAL SCHEDULING ORDER State is asking to be relieved from the pretrial order regarding expert witness disclosure because of more testing. Defense does not object as it is related to the blood vial. State does not want it only to the blood vial, but may also include lay witnesses as to placement and access. Court will grant the request as it is framed. STATE'S DEMAND FOR COMPLIANCE WITH DISCOVERY REQUEST Counsel argue their position. Court believes the defense has

adequately explained its position as to what a witness may testify to because they may or may not call these witnesses. Court further finds that some of the information has been met and some may fall short. Court cannot say with specificity what defense may do, but finds it fall short with compliance and grants the State's motion. DEFENSE MOTION FOR DISCLOSURE OF EXCULPATORY INFORMATION Counsel have a lengthy discussion regarding this motion. Court notes that Attorney Strang is correct, there is not much the court can do today, but the parties agree that evidence that is exculpatory needs to be turned over per statute. Court is not going to issue any ruling on the motion at this time. This appears to be a work in progress. DEFENDANT'S MOTION TO EXCLUDE COMPUTER-GENERATED ANIMATIONS State is looking to present a virtual tour of the Avery property and buildings and curtilage. The second a FBI showing of where the possibility of bones recovered, and third representation of the victims vehicle recovered. The only thing the court needs to find is if it shows a fair representation of the events. The State will offer at trial or before an offer of proof as to these DVD's as demonstrative evidence. These will be presented in the State's case in chief and is giving them as a courtesy to defense to speed up the trial. Neither party is asking the Court to make a ruling today because the Court has not seen it.

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283 01-19-2007 Other papers

**Additional Text:**

State's Proposed Jury Instructions.

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284 01-19-2007 Decision

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Decision and Order Granting Motion to Quash Subpoena. It is hereby ordered that the motion of Laura Ricciardi and Synthesis Films to quash the subpoena is granted.

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285 01-18-2007 Motion

**Additional Text:**

Defendant's Motion to Exclude Computer-Generated Animations. Filed Under Seal.

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286 01-18-2007 Motion

**Additional Text:**

Defendant's Motion for Disclosure of Exculpatory Information. Filed Under Seal.

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287 01-18-2007 Other papers

**Additional Text:**

Demand for Compliance with Discovery Requests, Scheduling Order and 971.23(2M)(AM) Stats; or in the Alternative to Exclude Expert Testimony.

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288 01-18-2007 Motion

**Additional Text:**

State's Motion for Relief from Pretrial Scheduling Order.

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289 01-18-2007 Response/reply

**Additional Text:**

Reply to Defendant's Statement on Planted Blood. Filed Under Seal.

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**Additional Text:**

Decision and Order on State's Motion in Limine Regarding Teresa Halbach History. Filed Under Seal.

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291 01-17-2007 Other papers

**Additional Text:**

State's Recommendation as to "Wrongful Conviction" Evidence. Filed Under Seal.

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292 01-17-2007 Other papers

**Additional Text:**

Brief of Amicus Curiae Silha Center for the Study of Media Ethics and Law in Support of Laura Ricciardi and Synthesis Films; Motion for Leave to File Brief Amicus Curiae of Silha Center for the Study of Media Ethics and Law; Reply Affidavit of Counsel in Support of Motion to Quash Subpoena; Reply Affidavit in Support of Motion to Quash Subpoena; Reply Memorandum in Support of Motion to Quash Subpoena.

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293 01-17-2007 Other papers

**Additional Text:**

Defendant's Statement on Planted Blood. Filed Under Seal.

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294 01-15-2007 Notice of motion, motion

**Additional Text:**

Notice of Motion and Motion to Preclude Third Party Liability Evidence; Memorandum to Preclude Third Party Liability Evidence. Filed under Seal.

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295 01-15-2007 Memorandum

**Additional Text:**

Memorandum to Preclude Third Party Liability Evidence. Filed Under Seal.

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296 01-12-2007 Memorandum

**Additional Text:**

Defendant's Memorandum on Teresa Halbach Background Evidence. Filed unde Seal.

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297 01-10-2007 Other papers

**Additional Text:**

Defendant's Statement on Third-Party Responsibility. Filed Under Seal.

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298 01-09-2007 Decision

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Decision and Order Denying State's Motion for Continuance to Analyze Vial of Blood. It is hereby ordered as follows: 1. The Court reserves ruling on the State's motion to exclude blood vial evidence pending receipt of the defendant's motion in limine seeking admission of any offered "frame-up" evidence. The defendant's motion, as well as any memoranda submitted in support of or in opposition to the motion, are ordered to be sealed pending the Court's decision on the

admissibility of any offered evidence. 2. The State's motion for a continuance of the trial in order to conduct EDTA analysis of the vial of blood described in the State's motion is denied. 3. Both parties are prevented from making any reference at trial or asking any questions relating to the failure of the other party to pursue EDTA testing.

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299 01-09-2007 Other papers

**Additional Text:**

State's Offer of Proof (Victim's History). Filed under Seal.

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300 01-08-2007 Notice of motion, motion

**Additional Text:**

Notice of Motion and Motion to Exclude Blood Vial Evidence; Or In the Alternative, to Analyze the Vial of Blood; Memorandum in Support of Motion to Exclude Blood Vial Evidence; or in the Alternative, to Analyze the Vial of Blood.

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301 01-08-2007 Other papers

**Additional Text:**

Defendant's Disclosure of Potential Expert Witnesses. Ordered Sealed by Court.

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302 01-05-2007 Response/reply

**Additional Text:**

State's Response to Attorney Dvorak's Memorandum In Support of Motion to Quash Subpoena.

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303 01-05-2007 Decision

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Sealed Decision and Order on State's Motion to Allow the Introduction of other Inmate Statements.

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304 01-05-2007 Response/reply

**Additional Text:**

Defendant's Response to State's Motion to Exclude Blood Vial Evidence.

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305 01-04-2007 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Motion to Exclude Blood Vial Evidence; or in the Alternative, to Analyze the Vial of Blood. Counsel argues the reasons for testing or the adjournment of trial. Court will take the motion under advisement and get back to counsel by next week.

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306 12-27-2006 Notice

**Additional Text:**

Telephone conference set for 01-05-07 at 9:00 a.m.

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307 12-22-2006 Witness list - defendant

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**Additional Text:**

Motion by defense regarding granting access to a particular exhibit (vial of blood) in defendant's old 1986 case. Issue is whether forensic tests will be done on that blood. Counsel argue. Court anticipates that parties can come to agreement and gives them until 01-02-07 to stipulate to their own plan regarding the blood sample. If they cannot agree, State can file a motion. State request relief from 01-19-07 deadline for rebuttal witnesses, but Court will not act on this at this time. Will act on it at a later date if necessary depending on the outcome of the blood testing issue.

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**Additional Text:**

Second Order to Unseal Documents. It is ordered to be unsealed: Defendant's Motion for Order Allowing Access to Prior Court File with Exhibits One through Seven attached filed December, 2006. Other documents which have been filed under seal shall remain sealed.

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**Additional Text:**

Continuation of Proposed Stipulations. Witnesses should be instructed not to watch television or other accounts of testimony of other witnesses; not to perform any independent investigation, including internet or other media searches regarding the case; and should be restricted from speaking with other witnesses regarding their testimony. Witnesses will not be prohibited from speaking with attorneys for either side, either prior to their testimony or during court recess.

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**Additional Text:**

Proposed Stipulations. 1. That the defense will not oppose the state's motion regarding the admissibility of DNA evidence at the trial, including nuclear DNA test results (PCR/STR identification evidence) as well as DNA evidence derived from mitochondrial DNA testing. The defense accepts the admissibility, as a matter of specific principle and relevance, of the DNA technology the State proposes in its motion. However, the defense reserves the right to challenge the specific reliability, methods, protocol, evidentiary escort and weight of the DNA testing and evidence in this case. 2. That the State withdraws its request for a "jury view" of the property known as the Avery Salvage Yard. 3. That the defendant, Steven A. Avery, is a convicted felon, which conviction remains of record and unreversed; Steven A. Avery was a convicted felony on October 31, 2005 as well as November 5, 2005. 4. The parties will address with the Court the number of convictions for the defendant, Steven A. Avery, and other witnesses, as required, to be used for impeachment purposes. 5. That the number of preemptory challenges, pursuant to secs. 972.03 and 972.04, Wis. Stats., will be seven for the State and seven for the defense. The parties agree that 16 total jurors will be seated for the trial, and that four "alternate" jurors will be selected, by lot, at the conclusion of the presentation of evidence and argument in this case. 6. That a sequestration/exclusion order should be imposed in this case, directing all potential witnesses to be excluded from the courtroom during opening statements or witnesses testimony, with the exception of Investigator Mark Wiegert and Special Agent Tom Fassbender (designated at the State's court officers) or any family member of the victim, Teresa Halbach (which are exempt from exclusion orders, pursuant to sec. 906.15(2)(d)). (Continued)

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**Additional Text:**

Memorandum of State of Wisconsin Regarding Motions in Limine. (Filed Under Seal)

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314 12-12-2006 Decision and order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Decision and Order on Defendant's Motion to Suppress Statement to Marinette County Sheriff's Department. For the foregoing reasons, the defendant's motion to suppress statements made to the Marinette County Sheriff's Department is denied. Decision and Order on Defendant's Motion to Suppress Evidence Based on Multiple Entries Under the November 5, 2005 Search Warrant. For the reasons stated in this Decision, with the exception of any pornographic materials, the defendant's motion to suppress evidence seized from the defendant's trailer and garage during execution of the November 5, 2005 search warrant is denied. Any pornographic materials seized are beyond the scope of the property described in the warrant and are suppressed. Decision and Order on Defendant's Motion to Exclude Jail Statements and Tapes. For the foregoing reasons, the defendant's motion to exclude jail statements and tapes is denied.

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315 12-07-2006 Motion

**Additional Text:**

Motion to Quash Subpoena served on Laura Ricciardi and Synthesis Films, Inc.; Affidavit in Support of Motion to Quash Subpoena; Affidavit of Counsel in Support of Motion to Quash Subpoena; Memorandum in Support of Motion to Quash Subpoena.

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316 12-06-2006 Motion

**Additional Text:**

Defendant's Motion for Order Allowing Access to Prior Court File with Exhibits One through Seven attached. Ordered Sealed Per Judge Willis.

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317 11-07-2006 Response/reply

**Additional Text:**

Defendant's Reply Supporting Exclusion of Jail Statements and Tapes.

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318 11-02-2006 Brief

**Additional Text:**

State's Brief on the Admissibility of Jail Recordings with Calumet County Rules and Regulations Handbook attached.

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319 10-30-2006 Response/reply

**Additional Text:**

State's Reply Brief on Alleged Multiple Executions of Single Search Warrant.

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320 10-27-2006 Pre-trial order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Pretrial Scheduling Order. It is hereby ordered as follows: 1. Motion in Limine. 2. Pending Motions. 3. Jury Selection Process. 4. Discovery. 5. "Denny" Evidence. 6. Proposed Jury Instructions. 7. Opening Statement Visual Aids. 8. Further Hearings. Status conference. The court will conduct a status conference at the Calumet County Courthouse on 12-20-06 at 1:00 p.m. The agenda will be determined at a later date. Motion hearing. The court will conduct a

hearing on any remaining disputed motions on 01-19-07 at 9:00 a.m. This hearing will be conducted at the Manitowoc County Courthouse.

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321 10-24-2006 Other papers

**Additional Text:**

Defendant's Supplemental Memorandum in Support of Motion to Suppress Evidence Derived from Multiple Executions of Warrant.

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322 10-19-2006 Motion

**Additional Text:**

Motion in Limine - Defense DNA Testing.

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323 10-18-2006 Demand for discovery and inspection

**Additional Text:**

State's Supplemental Demand for Discovery and Inspection.

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324 10-03-2006 Motion

**Additional Text:**

Defendant's Motion to Exclude Jail Statements and Tapes; Defendant's Memorandum Supporting Exclusion of Jail Statements and Tapes.

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325 09-25-2006 Decision

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Decision and Order on State's Motion to Allow the Introduction of Nine Items of Other Acts Evidence. It is here by ordered that all nine motions of the State to introduce other acts evidence are denied. Ordered Sealed by the Court.

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326 09-20-2006 Brief

**Additional Text:**

Defendant's Brief in Support of Motion to Suppress Evidence Due to Unlawful Execution of Warrant.

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327 09-14-2006 Response/reply

**Additional Text:**

State's Response to Defendant's Motion to Suppress Fruits of the November 5 Search Warrant Based on a "Multiple Executions" Argument.

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328 09-14-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Regarding Venue and Trial Schedule. It is hereby ordered that the trial in this action shall commence with jury selection on February 5, 2007. Following selection of a jury composed of Manitowoc County residents in the Manitowoc County courthouse, the trial shall be held at the Calumet County courthouse.

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329 09-12-2006 Motion



**Additional Text:**

Motion for Return of Property.

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330 09-11-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Limiting Public Disclosure. The Court Orders as follows: 1. Except by prior permission of the Court on a showing of good cause, neither the Manitowoc County Sheriff, nor the Calumet County Sheriff, nor any of the persons employed or supervised by them shall release or authorize the release of any information or opinion about this criminal proceeding or the proceedings in State of Wisconsin vs. Brendan R. Dassey, Case No. 2006 CF 88, which the person knows or reasonably should know likely will be disseminated by newspaper, television, radio, blog, magazine, or internet, or communicated to actual or prospective jurors, other than in the course of testimony in court. 2. Neither the Manitowoc County Sheriff, nor the Calumet County Sheriff, nor any of the persons employed or supervised by them shall release or authorize the release of any opinion or comment on the guilt, innocence, character, prior record, or conduct of Steven A. Avery or Brendan R. Dassey, which the person knows or reasonable should know likely will be disseminated by newspaper, television, radio, blog, magazine, or internet, or communicated to actual or prospective jurors, other than in the course of testimony in court. 3. This order to refrain from disclosures described in paragraphs 1 and 2 above requires the Sheriffs named to take reasonable precautions to prevent all persons who have been or are now participants in or associated with the investigation and prosecution of this case from making any statements or releasing any documents within the scope of paragraphs 1 and 2 above. 4. This order shall remain in effect until the conclusion of proceedings in the Manitowoc County Circuit Court in this case, unless earlier terminated by order of this Court.

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331 09-11-2006 Other papers

**Additional Text:**

VHS tape of Teresa Halbach investigation press conferences published on WFRV.COM.

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332 09-01-2006 Transcript

**Additional Text:**

Transcript of Partial Motion Hearing held on 08-09-06. Transcript of Partial Motion Hearing held on 08-10-06.

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333 08-28-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Concerning Pretrial Motions. For the reasons stated on the record on 08-22-06, the Court hereby orders as follows: 1. The defendant's motion to dismiss on grounds the State has made the trial in Manitowoc County impossible is denied. 2. The defendant's motion to exclude Manitowoc County Sheriff's Department from testifying is denied. 3. The State's motion to admit statements of Teresa Halbach to co-workers is denied as it relates to statements of her state of mind. The Court reserves ruling on any such statements related to present sense impressions, which may be admissible as exceptions to the hearsay rule subject to proper foundation, relevance, and probative value. 4. The defendant's motion challenging the November 5, 2005 search warrant on the basis it was obtained as a result of intentionally false or reckless statements is denied.

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334 08-23-2006 Stipulation

**Additional Text:**

335 08-22-2006 Oral ruling

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

ORAL RULING ON MOTIONS CONTINUED - STATE'S MOTION TO ADMIT STATEMENTS OF TERESA HALBACH MADE TO CO-WORKERS - The Court finds that the statement would have to be relevant before they could be admitted. Ms. Halbach's state of mind could be relevant, but marginal. Based on the current state of the record, the Court can't determine at this point if the statements are relevant or not. The statements made by Teresa Halbach are not testimonial and are not admissible. MOTION TO SUPPRESS FRUITS OF SEARCH WARRANT THAT VIOLATED FRANKS VS. DELAWARE - The Court finds that if Pamela Sturm and her daughter were acting as agents of law enforcement, it could be possible to suppress, but there is no evidence of that. Also, Detective Remiker being present on the property did not violate the defendant's expectation of privacy. There is no basis to delete Sturm's discovery from Detective Wiegert's affidavit for the warrant and the information provided by Detective Remiker is also appropriately included in the affidavit and the affidavit of Detective Wiegert was sufficient for issuance of the 11-05-05 search warrant. Motion is denied. The Court and the parties go through the inventory of outstanding motions and where they are at. Attorney Strang perceives that some further motions, other than motions in limine, may need to be filed. As the Dassey case proceeds, it may affect this case in some way. Scheduling conference is set for 10-19-06 at 10:00 a.m. The Court will draft the orders regarding the motions.

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336 08-22-2006 Oral ruling

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. DEFENDANT'S MOTION TO DISMISS ON GROUNDS THAT STATE HAS MADE A TRIAL IN MANITOWOC COUNTY IMPOSSIBLE - The Court finds that much of the information was already contained in the complaint. The news conference did not lead to disclosure of any information that would not have been disclosed anyway. The publicity occurred many months before the scheduled trial date. The Court finds that a fair and impartial jury could be found in Manitowoc County and denies this motion. STIPULATION REGARDING VENUE AND TRIAL SCHEDULE - The parties present the Court with a stipulation and order which states that the parties agree that the jury trial will be rescheduled and will commence on 02-05-07, lasting about six weeks, that the jury trial be physically held at the Calumet County Courthouse and that the jury pool will be selected from Manitowoc County. The parties jointly ask the Court to accept this stipulation. The defendant agrees with the terms contained in the stipulation. The Court accepts the stipulation. Jury selection will take place in Manitowoc County and then the trial will move to Calumet County. MOTION TO EXCLUDE MANITOWOC COUNTY SHERIFF'S DEPARTMENT FROM TESTIFYING AND OVERSEEING JURORS - Based on the stipulation which has been accepted, the Manitowoc County Sheriff's Department will have no contact with prospective jurors and therefore, this portion of the motion is now moot. The Court finds that no order was violated with the airing of the two part news article in May on which the Manitowoc County Sheriff made statements. The report was a one time news segment which was made nine months prior to when the trial is now scheduled to begin. The Court denies this motion. The Court now enters an order that members of the Manitowoc County Sheriff's Department or the Calumet County Sheriff's Department and the defendant, Steven Avery, refrain from making any statements regarding this case until the conclusion of this case. Defense to draft order.

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337 08-22-2006 Memorandum

**Additional Text:**

Defendant's Post-Hearing Memorandum Supporting Suppression of Marinette County Statements.

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338 08-21-2006 Other papers

**Additional Text:**

State's Response to Defendant's Motion to Suppress Statement to Marinette County Sheriff.

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339 08-21-2006 Memorandum

**Additional Text:**

Defendant's Memorandum Opposing Admission of Prisoner's Claims. (Under Seal)

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340 08-16-2006 Response/reply

**Additional Text:**

State's Supplemental Response to Motion to Suppress Statements to News Reporters on Sixth Amendment Grounds; State's Response to Defendant's Motion to Suppress Evidence Obtained Pursuant to November 5, 2005, Search Warrant.

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341 08-15-2006 Transcript

**Additional Text:**

Transcript of motion hearing - arguments held on 08-10-06.

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342 08-14-2006 Memorandum

**Additional Text:**

State of Wisconsin's 2nd Supplementary Memorandum in Support of Other Acts Evidence. Submitted Under Seal.

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343 08-14-2006 Transcript

**Additional Text:**

Partial transcript of motion hearing held on 08-09-06.

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344 08-10-2006 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Continuation of motion hearing (Day 3) Motion on Multiple Executions of Search Warrant. Further testimony presented. Court is informed by counsel that they have reached an agreement regarding the Media Statements Motion. Neither side concedes on the merits but agrees that the State will not use any statements given to reporter Kolbusz on 11-14 and 11-18 interviews and also agree defense counsel will withdraw its motion regarding telephonic and in person statements with reporter Metesic. Court asks to have this provided to him in written form and then he will accept it. Attorney Strang to prepare the stipulation. The next hearing date is set for 08-22-06 at 9:00 a.m. At that time court will issue decisions addressing venue, trial date motion and other motions that were heard or have been submitted by brief. On the motion regarding the admissibility of statements made to Marinette County Sheriff's Department, the transcript will be filed shortly by the reporter. Counsel agree to simultaneously file briefs on that motion within one week from tomorrow. On the motion regarding multiple executions of search warrant, the reporter indicates she can have the transcript filed within three weeks. Counsel will file briefs by 09-13-06. Counsel give their arguments on the Franks motion.

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345 08-09-2006 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Continuation of motion hearing commenced on 07-19-06. Defendant's Motion to Suppress Evidence: Franks vs. Edwards violation, lack of probable cause for warrant and multiple executions of warrant. Further testimony presented. Exhibit 18, aerial photograph of Avery Salvage yard, previously marked at preliminary hearing on 12-06-05 as exhibit 2. Exhibit 19, aerial photograph of Avery Salvage yard. Exhibit 20, CD-ROM contains audio recordings on recorded phone lines from Manitowoc County Sheriff's Department. Defendant's Motion to Suppress Statement to Marinette County Sheriff's Department. Testimony presented. Exhibit 21, CD-ROM bearing four recorded interviews conducted primarily by the Marinette County Sheriff's Department. Exhibit 22, report reviewed by Detective O'Neill. Exhibit 23, copy of Detective O'Neill's notes. Motion hearing continued to 08-10-06 at 8:30 a.m.

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346 08-01-2006 Memorandum

**Additional Text:**

Defendant's Memorandum Opposing Evidence of Teresa Halbach's Statements. Defendant's Reply Opposing Uncharged Misconduct Evidence. (Under Seal)

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347 07-31-2006 Memorandum

**Additional Text:**

Memorandum of State of Wisconsin Regarding Defendant's Motion for Change of Venue; Affidavit of Tim Halbach Regarding Defendant's Motion for Change of Venue.

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348 07-28-2006 Memorandum

**Additional Text:**

State of Wisconsin's Supplementary Memorandum in Support of Other Acts Evidence. (Under Seal).

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349 07-27-2006 Transcript

**Additional Text:**

Transcript of motion hearing held on 07-19-06.

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350 07-19-2006 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Continuation of motion hearing: Exhibit 12, copy of jail log entries dated 11-18-05. Exhibit 13, copy of inmate communication form. Exhibit 14, copy of jail log entry. Exhibit 15, copy of search warrant and affidavit. Exhibit 16, CD-Rom copied tape of telephone call from the Sturms' to Sheriff Pagel. Exhibit 17, transcript of CD-Rom.

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351 07-19-2006 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Defendant's Motion to Suppress Statements Made to Media in Jail - Testimony presented. Defense would like an expedited transcript on this hearing and he would like to submit a written argument on the issue. State is prepared to argue now. Court will grant the request and allow parties to submit an additional memorandum by 08-09-06. Defendant's Motion to Suppress Evidence: Franks vs. Edwards Violation, Lack of Probable Cause for Warrant, and Multiple Executions of Warrant. Testimony commenced. Court notes that we will not be getting all the testimony in on the Franks motion today, so counsel have agreed to release the witnesses subpoenaed at this time but to take the testimony of the Sturms' who have taken the day off of work. Court gets all the witnesses in the courtroom, he directs them they are

released today but are to return on 08-09-06 and the exclusion order still applied to them. They are admonished from watching any news casts, web casts, should not discuss this with anyone except counseling and no news accounts of today's proceedings. The matter is continued for motion hearing on 08-09-06 at 9:00 a.m. Exhibit 1, VHS video tape of 5 stories on Avery case. Exhibit 2, script of 10:00 p.m. story that aired. Exhibit 3, script of 6:00 p.m. story that aired. Exhibit 4, script from stories from telephone interview between Ms. Matesic and Avery, length 1:33 seconds. Exhibit 5, script from stories from telephone interview between Ms. Matesic and Avery, length 1:37 seconds. Exhibit 6, script from stories from telephone interview between Ms. Matesic and Avery, length 1:50 seconds. Exhibit 7, jail rules for Calumet County Jail. Exhibit 8, copy of 5th amendment rights invoked and notification of victim form. Exhibit 9, copy of note written by Steven Avery indicating that he does not wish to talk to any news media dated 11-12-05. Exhibit 10, copy of jail log entries dated 11-12-05. Exhibit 11, next page of jail log entries dated 11-12-05.

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352 07-18-2006 Transcript

**Additional Text:**

Transcript of motion hearing held on 07-05-06.

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353 07-18-2006 Motion

**Additional Text:**

State's Response to Motion to Suppress Statements to News Reporters on Sixth Amendment Grounds.

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354 07-18-2006 Motion

**Additional Text:**

Defendant's First Motion in Limine. 1. Prior Wrongful Conviction for Attempted Murder and Rape. 2. 2004 Federal Lawsuit Against Manitowoc County.

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355 07-17-2006 Other papers

**Additional Text:**

DVD bearing nine tracks of televised news conferences in this case.

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356 07-14-2006 Other papers

**Additional Text:**

CD-ROM bearing four recorded interviews conducted primarily by the Marinette County Sheriff's Department. Marked as Exhibit 21 at motion hearing held on 08-09-06.

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357 07-14-2006 Memorandum

**Additional Text:**

Defendant's Memorandum on Jury View; Defendant's Memorandum on Examples of Prejudicial Pretrial Publicity.

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358 07-13-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

First Order to Unseal Documents. The following documents are ordered unsealed: 1. Defendant's Motion to Exclude Manitowoc County Sheriff's Department filed June 14, 2006. 2. Defendant's Motion to Reduce Bail filed June 14, 2006. 3. Paragraphs 1 through 5 and

Paragraphs 7 and 8 of State's Motion in Limine (Series 1) filed June 15, 2006. (Counsel for the State is directed to file a redacted copy of the motion excluding paragraph 6, and the original document is to remain sealed). 4. State's Motion Prohibiting Evidence of Third-Party Liability (Denny Motion) filed June 15, 2006. 5. Affidavit of Stephen M. Glynn filed with Defendant's Motion to Suppress Statement to Marinette County Sheriff's Department filed June 16, 2006. 6. Defendant's Memorandum on Evidence of Wrongful Conviction and Accusations of Prisoners filed June 28, 2006. 7. State's Reply to Defendant's Response to the State's Motion to Prohibit Evidence of Third-Party Liability and to Motion to Exclude Manitowoc County Sheriff's Office filed July 3, 2006. 8. Other documents which have been filed under seal shall remain sealed.

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359 07-12-2006 Other papers

**Additional Text:**

Redacted Copy of Motion in Limine (Series 1).

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360 07-10-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Denying Defendant's June 14, 2006 Motion to Reduce Bail. Order Regarding State's Motion Prohibiting Evidence of Third-Party Liability ("Denny" Motion).

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361 07-10-2006 Memorandum

**Additional Text:**

Supplemental Memorandum in Support of State's Motion in Limine (Paragraph 7) - Out of Court Statement's of Theresa Halbach. Ordered Sealed by the Court.

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362 07-05-2006 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Continuation of Motion Hearing. State's Motion Concerning Third-Party Liability a/k/a "Denny" motion - Court's understanding of what the parties are arguing is that should the defense intend to introduce any evidence that a person other than Dassey helped commit the crime they will have to follow the proper procedure; should they seek to introduce evidence that items were planted or framed they will need to seek admissibility before trial and third the defense is not prohibited from arguing different inferences as to how things may have happened. Court will prepare a written ruling on this motion. State's Preliminary Motion in Limine re: Avery wrongful conviction - Attorney Strang will file a motion in limine regarding what they intend to get into or how. State's preliminary motion in limine re: Theresa Halbach history - State will file a motion in limine regarding how they intend to use the information. State's preliminary motion in limine re: prior felony conviction - Parties have agreed to work together on this and come to some agreement as well as convictions of any witnesses. Defense motion to suppress statement to Marinette County Sheriff's Department motion will be heard on 08-09-06 at 9:00 a.m. Counsel also agree the motion for change of venue will be heard then as well as anything that hasn't been finished on the 19th of July. Defendant's Motion to Reduce Bail - Counsel argue. The facts the court considered on March 17, 2006 are considerably the same, for the reasons given then and again now today the court is not going to consider the modification of bail. Court denies the motion.

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363 07-05-2006 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Defendant's Motion to Exclude Manitowoc County Sheriff's Department from Testifying and Overseeing Jurors. Defendant's Motion to Dismiss on Grounds State has made the trial in Manitowoc County Impossible. Defendant's Motion for Change of Venue.

Testimony presented. Court goes over some of the motion under seal that counsel have agreed to be unsealed. Defendant's motion to exclude Manitowoc County Sheriff's Department from testifying and overseeing jurors filed under seal. Counsel agree to unseal. Court orders that motion and any supporting briefs to be unsealed. State's motion concerning 3rd party liability a/k/a "Denny" motion filed under seal. Counsel agree to unseal. Court orders that motion and any supporting briefs to be unsealed. State's motion in limine filed under seal. Counsel argue. Court will unseal the document and have paragraph 6 redacted. Defense motion to reduce bail submitted under seal. Court will order it unsealed. Affidavit of Attorney Glynn filed under seal. Counsel have no objection to unsealing. Court will prepare an order indicating which documents can be unsealed. Counsel argue their positions on the three previously mentioned motions. Court is not going to issue a decision today on the motion to dismiss. Court asks counsel on the change of venue argument to address it in writing and direct the court to news media accounts which they want the court to review. Attorney Strang is given until 07-14-06 to file the DVD. Attorney Kratz is given until 07-21-06 to respond. Motion hearing continued.

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364 07-05-2006 Other papers

**Additional Text:**

State's Response to Defendant's Motion to Dismiss. (Pretrial Publicity)

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365 07-03-2006 Other papers

**Additional Text:**

State's Reply to Defendant's Response to the State's Motion to Prohibit Evidence of Third Party Liability and to Motion to Exclude Manitowoc County Sheriff's Office. (under seal)

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366 07-03-2006 Other papers

**Additional Text:**

Defendant's Response to the State's Motion in Limine (Series 1) item no: 3, dated 06-09-06.

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367 06-28-2006 Memorandum

**Additional Text:**

Defendant's Memorandum on Evidence of Wrongful Conviction and Accusations of Prisoners. (Under Seal)

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368 06-28-2006 Other papers

**Additional Text:**

Defendant's Response to State's Motion to Prohibit Evidence of Third Party Liability (Denny Motion).

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369 06-27-2006 Memorandum

**Additional Text:**

Defendant's Memorandum Opposing Uncharged Misconduct Evidence. (Under Seal)

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370 06-26-2006 Notice

**Additional Text:**

Motion hearing continued to 07-19-06 at 9:00 a.m.

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371 06-19-2006 Motion

**Additional Text:**

Motion to Suppress Evidence: Franks vs. Edwards Violation, Lack of Probable Cause for Warrant, and Multiple Executions of Warrant.

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372 06-16-2006 Motion

**Additional Text:**

Defendant's Motion to Suppress Statement to Marinette County Sheriff's Department; Affidavit of Stephen M. Glynn (Under Seal) Defendant's Motion to Suppress Statements to Media In Jail; Defendant's Memorandum Supporting Motion to Suppress Statements to Media in Jail; Defendant's Motion to Dismiss; Defendant's Memorandum Supporting Motion to Dismiss; Defendant's Notice Concerning Interference with Right to Counsel. (Under Seal); Letter Concerning Change of Venue; Affidavit of Dean A Strang

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373 06-15-2006 Motion

**Additional Text:**

State's Motion in Limine: Admissibility of DNA Evidence; State's Memorandum of Law Pertaining to the Admissibility of DNA Evidence; State's Motion for Jury View Pursuant to 972.06 Wis. Stats; Nine Motions to Allow the Introduction of "Other Acts" Evidence. (Filed under seal) The State's "preliminary" set of Motions in Limine. (Filed under seal) Motion Concerning Third Party Liability a/k/a "Denny" Motion. (Filed under seal)

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374 06-15-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Certified Order from the Court of Appeals dated 05-23-06 ordering that the petition for leave to appeal is denied without costs. Certified Order from the Supreme Court dated 06-14-06 ordering that the petition for review is dismissed. A court of appeals' denial of leave to file a permissive appeal of a nonfinal order is not subject to review.

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375 06-14-2006 Motion

**Additional Text:**

Defendant's Motion to Reduce Bail ordered sealed by the Court as instructed at the 05-03-06 hearing.

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376 06-14-2006 Motion

**Additional Text:**

Defendant's Motion to Exclude Manitowoc County Sheriff's Department ordered sealed by the Court as instructed at the 05-03-06 hearing.

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377 05-24-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order from the Court of Appeals ordering that the petition for leave to appeal is denied without costs.

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378 05-09-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**



1. Pretrial Motion Filing Deadline. With the exception of motions in limine, the deadline for filing pretrial motions along with supporting written argument is extended to June 16, 2006. The opposing party shall have until June 26, 2006 in which to provide any written response. The motions will be heard at 9:00 a.m. on July 5, 2006. 2. Change of Venue Motion. The defendant shall notify the court in writing on or before June 16, 2006 whether the defendant wishes to pursue or asks the court to withdraw the defendant's Motion for Change of Place of Trial. 3. Defendant's Motion for Order Limiting Public Disclosure. For reasons stated by the court on the record, the defendant's previously filed Motion for Order Limiting Public Disclosure is denied. 4. Certain Motions to be Sealed. Prior to the filing of pretrial motions with the court, each party shall exchange a copy of any such motion with the other party. The parties shall notify the court of any such motions which they jointly request be kept under seal. The parties shall provide the court with the reasons for any such request. In the event only one party asserts that any particular motion should be kept under seal, that party shall provide the written reasons to the court for the request. Any motions seeking the admission of other acts evidence shall be kept under seal by the court, at least until the court has an opportunity to review the same. The court's basis for considering the sealing of motions as provided for herein is to avoid advance disclosure of information which could prejudice potential jurors. 5. Trial Date. The date for commencement of the trial is rescheduled from September 5, 2006 to Monday, October 16, 2006.

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379 05-04-2006 Notice

**Additional Text:**

Notice from Wisconsin Court of Appeals acknowledging Petition for Leave to Appeal.

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380 05-03-2006 Petition

**Additional Text:**

Defendant's Petition for Leave to Pursue Permissive Appeal; Docketing Statement. \$15.00 transmittal fee paid by receipt 06R 006332.

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381 05-03-2006 Arraignment

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Defendant stands silent. Court enters pleas of NOT GUILTY to each of the six charges. MOTION TO EXTEND DEADLINE FOR FILING OF MOTIONS AND TO ADJOURN TRIAL. Court grants the request to extend the deadline for filing of motions and any supporting evidence to 06-16-06. The opposing party is given until 06-26-06 to file any written response. Motion hearing to be held on 07-05-06 at 9:00 a.m. CHANGE OF VENUE. Defense is to notify the court by 06-16-06 whether they wish to pursue the motion for change of place or venue. MOTION LIMITING PUBLIC DISCLOSURE Court denies the motion at this time. CERTAIN MOTIONS TO BE SEALED Court orders that any motions seeking other acts evidence or prior bad acts be under seal including any written argument. Court will make a decision regarding releasing after its review. MOTION TO ADJOURN TRIAL DATE Court grants the request to adjourn the trial date of 09-05-05 to 10-16-06 to be completed by the Thanksgiving Holiday.

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382 04-26-2006 Notice

**Additional Text:**

Arraignment hearing reset to 05-03-06 at 9:30 a.m.

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383 04-26-2006 Appointment of Special Prosecutor

**Additional Text:**

Appointment of Norman A. Gahn as Special Prosecutor.

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384 04-25-2006 Transcript

**Additional Text:**

Transcript of Motion Hearing held on 03-17-06. Transcript of Motion Hearing held on 04-13-06.

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385 04-25-2006 Motion

**Additional Text:**

Defendant's Motion to Extend Motions Deadline and to Adjourn Trial.

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386 04-20-2006 Appointment of Special Prosecutor

**Additional Text:**

Appointment of Thomas J. Fallon as Special Prosecutor.

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387 04-19-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Denying Defendant's Motion to Dismiss Complaint or to Conduct Additional Preliminary Hearing. It is ordered that, over defense objection, the State's motion for leave to file the Amended Criminal Complaint is granted. It is further ordered that for reasons articulated on the record on March 17, 2006, and reaffirmed on the record on April 13, 2006, the defendant's motion to dismiss the Amended Criminal Complaint is denied. It is further ordered that for reasons articulated on the record on April 13, 2006, the defendant's motion to require a second preliminary hearing, prior to the acceptance of the Amended Information, is denied.

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388 04-13-2006 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Counsel present additional argument to their briefs previously filed. Court denies the motion to dismiss the allowing of the filing of an amended criminal complaint and denies the request to have a preliminary hearing on the additional charges Arraignment is set for 05-03-06 at 10:00 a.m.

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389 04-13-2006 Other papers

**Additional Text:**

Defendant's Reply Supporting Motion to Dismiss or to Conduct Preliminary Hearing.

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390 04-06-2006 Notice

**Additional Text:**

Motion hearing set for 04-13-06 at 9:00 a.m.

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391 04-03-2006 Other papers

**Additional Text:**

State's Memorandum Supporting Additional Counts in the Amended Information.

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392 03-30-2006 Motion

**Additional Text:**

Defendant's Motion to Dismiss or to Conduct Preliminary Hearing signed by Attorney Dean A. Strang.

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393 03-28-2006 Notice of motion, motion

**Additional Text:**

Defendant's Motion to Dismiss or to Conduct Preliminary Hearing; Defendant's Memorandum Supporting Motion to Dismiss or to Conduct Preliminary Hearing.

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394 03-17-2006 Motion hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. MOTION FOR ORDER REMITING PUBLIC DISCLOSURE Counsel agree to discuss with each other any press releases before doing so. Court will hold this motion in abeyance. MOTION TO AMEND THE CRIMINAL COMPLAINT AND INFORMATION Court grants the State's motion to file the Amended Criminal Complaint. MOTION TO ASSURE FAIR FORENSIC TESTING Court looked to see if there is a due process right on behalf of the defendant to observe. There is no due process. Court finds there is no basis for granting the defendant's request. Court denies the defense motion for fair forensic testing. MOTION FOR MODIFICATION OF BAIL Court grants the motion for modification of bail and increases it to \$750,000.00 cash. The court will not approve surety. Motion hearing is set for April 13, 2006 at 9:00 a.m. Amended Commitment for Failure to Furnish Bail Issued. Copy filed.

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395 03-17-2006 Response/reply

**Additional Text:**

Defendant's Reply to State's Objection to Motion to Assure Fair Forensic Testing.

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396 03-16-2006 Memorandum

**Additional Text:**

Defendant's Memorandum Opposing Leave to File Amended Complaint.

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397 03-10-2006 Response/reply

**Additional Text:**

State's Response to Defendant's Motion to Assure Fair Forensic Testing.

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398 03-10-2006 Amended information

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399 03-10-2006 Notice of Appearance

**Additional Text:**

Attorney Jerome F. Buting has been retained as co-counsel.

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400 03-09-2006 Motion

**Additional Text:**

Defendant's Motion for Order Limiting Public Disclosure.

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401 03-08-2006 Motion

**Additional Text:**

Motion to Deny or Increase Cash Bail with Exhibit 1, Criminal Complaint 05 CF 381 and Amended Criminal Complaint; Exhibit 2, Affidavit in Support of Plaintiff's Motion to Deny or Increase Bail and Exhibit 3, Transcript of Decision on Motion in 87 FA 118 attached.

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402 03-08-2006 Amended complaint

**Additional Text:**

Amended Criminal Complaint amends the criminal charges as follows: Count 1 - PTC First Degree Intentional Homicide, contrary to Section 940.01(1)(a) & 939.05 of the Wisconsin Statutes; Count 2 - PTC Mutilating a Corpse, contrary to Section 940.11(1) & 939.05 of the Wisconsin Statutes; Count 3 - Felon Possessing Firearm, contrary to Section 941.29(2)(a) of the Wisconsin Statutes; Count 4 - PTC First Degree Sexual Assault, contrary to Section 940.225(1)(b) & 939.05 of the Wisconsin Statutes; Count 5 - Kidnapping, contrary to Section 940.31(1)(b) of the Wisconsin Statutes; Count 6 - False Imprisonment, contrary to Section 940.30 of the Wisconsin Statutes.

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403 03-08-2006 Motion

**Additional Text:**

Motion to Amend Criminal Complaint and Criminal Information.

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404 03-07-2006 Motion

**Additional Text:**

Defendant's Motion to Assure Fair Forensic Testing.

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405 03-02-2006 Appointment of Special Prosecutor

**Additional Text:**

Appointment of Jeffrey S. Froehlich as Special Prosecutor.

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406 02-27-2006 Notice

**Additional Text:**

Motion hearing set for 03-17-06 at 2:00 p.m.

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407 02-27-2006 Motion

**Additional Text:**

Defendant's Motion to Modify Bail.

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408 02-24-2006 Motion and order for withdrawal of counsel

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant's Motion for Substitution of Counsel; Order Allowing Withdrawal of the State Public Defender and Subsequent Counsel's Entry of Appearance.

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409 02-02-2006 Demand for discovery and inspection

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410 01-23-2006 Transcript

**Additional Text:**

Transcript of preliminary hearing held on 12-06-05.

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411 01-20-2006 Order

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Order Regarding Bail. It is ordered that for the reasons set forth on the record in this matter on January 17, 2006, the cash bond will remain set at \$500,000.

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412 01-18-2006 Transcript

**Additional Text:**

Transcript of Arraignment & Bail Modification held on 01-17-06.

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413 01-17-2006 Arraignment

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Not guilty pleas. Jury Calendar. Defense counsel files a Defendant's Notice of Motion and Motion for Change of Place of Trial. Court receives it. Court sets March 17, 2006 for the filing of motions. Status conference is set for 03-24-06 at 8:30 a.m. MOTION FOR MODIFICATION OF BAIL Counsel argue. Court has many factors to consider which both sides touched on. He believes the initial bail amount set is appropriate. He is not going to change the amount but would consider a mortgage of property providing there is sufficient showing of equity and fair market value. State to prepare the order.

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414 01-10-2006 Notice of motion

**Additional Text:**

Defendant's Notice of Motion; Amended Motion for Bail Reduction.

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415 12-06-2005 Information

**Additional Text:**

Information charges the following crimes: Count 1 - First degree intentional homicide, 940.01(1)(a) Count 2 - Mutilating a corpse, 940.11(1) Count 3 - Possess firearm by felon, 941.29(2)(a).

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416 12-06-2005 Preliminary hearing

Willis, Patrick L.

Tesheneck, Diane

**Additional Text:**

Defendant in custody. Preliminary hearing held. Probable cause found. Defendant is bound over to Circuit Court Branch 1 for further proceedings. Arraignment and bail modification is set for 01-17-06 at 9:00 a.m. Exhibit 1- Photograph of SUV (taken by Pam Sturm). Exhibit 2 - Aerial photograph of Avery Salvage yard. Exhibit 3 - Diagram of Avery residence and area. Exhibit 4 - DOT record of SUV owned by Teresa Halbach. Exhibit 5 - Photograph of SUV recovery taken on 11-05-05. Exhibit 6 - Miranda waiver form signed by Steven Avery. Exhibit 7 - Certified copy of judgment of conviction and complaint for 80 CR 773. Exhibit 8 - Certified copy of judgment of conviction and complaint for 82 MD 371. Exhibit 9 - Certified copy of judgment of conviction and complaint for 85 FE 3. Exhibit 10 - Curriculum vitae of Dr. Leslie Eisenberg. Exhibit 11 - Curriculum vitae of Sherry Culhane. Exhibit 12 - Photograph of interior of SUV (rear portion) Exhibit 13 - Photograph of interior of SUV (ignition area) Exhibit 14 - DNA report prepared by Sherry Culhane dated 11-14-05. Exhibit 15 - DNA report prepared by Sherry Culhane dated 12-05-05. Exhibit 16 - Certified copy of death certificate of Teresa M. Halbach.

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417 11-30-2005 Notice of motion, motion

**Additional Text:**

Defendant's Notice of Motion; Motion for Bail Reduction.

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418	11-18-2005	Order appointing counsel	Willis, Patrick L.	Tesheneck, Diane
<b>Additional Text:</b> Craig Johnson, through public defender.				

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419	11-18-2005	Order appointing counsel	Willis, Patrick L.	Tesheneck, Diane
<b>Additional Text:</b> Erik Loy, public defender.				

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420	11-15-2005	Initial appearance	Willis, Patrick L.	Tesheneck, Diane
<b>Additional Text:</b> Defendant in custody. Defendant demands a preliminary hearing and waives the statutory time period within which a preliminary hearing must be held. Preliminary hearing is set for 12-06-05 at 1:00 p.m. Bail is set at \$500,000.00 cash. Bail not furnished. Defendant is remanded to the county jail. Commitment for failure to furnish bail issued. Copy filed.				

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421	11-15-2005	Appointment of Special Prosecutor		
<b>Additional Text:</b> Appointment of Kenneth R. Kratz as Special Prosecutor.				

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422	11-15-2005	Order appointing counsel	Willis, Patrick L.	Tesheneck, Diane
<b>Additional Text:</b> Erik Loy, public defender.				

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423	11-15-2005	Complaint filed		
<b>Additional Text:</b> Re: Teresa M. Halbach, on 10-31-05.				

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