

December 16, 2004

Honorable William C. Griesbach
U. S. District Judge
Eastern District of Wisconsin, Green Bay Division
P. O. Box 22370
Green Bay, WI 54305-2370

Re: *Steven A. Avery v. Manitowoc County et. al*
Case No. 04-C-986

Dear Judge Griesbach:

Thank you for your letter of December 13, 2004, seeking counsel's views on a possible ground for judicial disqualification in the above-noted case.

Walter F. Kelly and I, who are the two attorneys representing Mr. Avery in this matter, have discussed your letter. We agree that this case does not present a situation in which your impartiality might reasonably be questioned because: (1) As your letter notes, Michael C. Griesbach was not employed in the Manitowoc County District Attorney's Office until long after the *Avery* prosecution had occurred; (2) Michael Griesbach's involvement in the *Avery* matter, to our present knowledge, was limited to matters which will not be material to this litigation; and (3) in the event, which at present appears unlikely to us, that Michael C. Griesbach were to become a witness in this litigation, his testimony would not be of a sort likely to produce efforts at impeachment, but would instead be testimony of an historical nature relating primarily to the history of the *Avery* case in Manitowoc's criminal justice system and to documents pertaining to that case as they exist in the District Attorney's file which he inherited.

For these reasons, we do not believe that the involvement of Michael C. Griesbach as an Assistant District Attorney in Manitowoc County warrants your disqualification.

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Respectfully,

WALTER F. KELLY, S.C. and

GLYNN, FITZGERALD & ALBEE, S.C.

Stephen M. Glynn

SMG/jal

c: Steven A. Avery
Walter F. Kelly
Claude C. Covelli
Amanda Jane Kaiser
Raymond J. Pollen
Amy J. Doyle