

United States District Court
Eastern District of Wisconsin
Green Bay Division

William C. Griesbach
United States District Judge

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December 13, 2004

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

Dear Counsel:

It appears that all parties have now entered their appearance in the above matter. I therefore conclude that it is an appropriate time at which to raise a possible conflict that I may have in presiding over this matter. My brother, Michael C. Griesbach, presently serves as an Assistant District Attorney for Manitowoc County. His employment in the District Attorney's Office commenced long after the Avery prosecution and he had no personal involvement in that prosecution. My understanding, however, is that he was involved in the most recent review of the file precipitated by the analysis of DNA evidence that lead to Mr. Avery's ultimate release. I have avoided any substantive conversations about the case with him and have no personal knowledge that I believe would disqualify me from presiding. However, given his involvement and my own uncertainty as to whether he could become a witness in this case, I felt it appropriate at this time to disclose this possible ground for disqualification.

Please consider this matter and discuss it with your clients. I would ask that you notify this court within the next ten (10) days to advise whether you believe my brother's involvement in the case warrants my disqualification. Please be assured that it is not my intent to preside over a case in which there could be even an appearance of impropriety. With this in mind, I await your response.

Yours very truly,

s/ William C. Griesbach

William C. Griesbach