

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

---

STATE OF WISCONSIN, )  
 )  
 *Plaintiff,* )  
 )  
 v. ) Case No. 05-CF-381  
 )  
 STEVEN A. AVERY, )  
 )  
 *Defendant.* )

---

**DEFENDANT'S MOTION TO SEAL EXHIBIT**

---

Defendant, Steven Avery, by his undersigned attorney, respectfully moves to seal an exhibit pursuant to Wis. Stat. § 801.21. In support thereof, Mr. Avery states as follows:

1. This Court previously ordered the Clerk of the Circuit Courts to place Exhibit 22 (a CD) to Defendant's Motion to Supplement Previously Filed Motion for Post-Conviction Relief under seal.

2. Exhibit 22 consisted of a portion of Detective Velie's report of a forensic examination of the computer seized from Bobby Dassey's bedroom during the investigation into Theresa Halbach's murder.

3. On Exhibit 22 are documents Defendant bates-stamped AverySupp0001-2449. The documents included images of, *inter alia*, violent pornography, pornography involving individuals who appear to be younger than 18 years old, and other disturbing images of violence.

**CERTIFICATE OF SERVICE**

I certify that on August 3<sup>rd</sup>, 2018, a true and correct copy of Defendant's Reply to the State's Response to Defendant's Motion to Seal Exhibit, was furnished via electronic mail and by Federal Express, postage prepaid to:

Ms. Jacalyn C. LaBre  
Manitowoc County District Attorney's Office  
1010 South 8<sup>th</sup> Street  
3<sup>rd</sup> Floor, Room 325  
Manitowoc, WI 54220

Mr. Thomas J. Fallon  
Ms. Lisa E.F. Kumfer  
Ms. Tiffany Winter  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707

Mark S. Williams  
11708 Settlers Road  
Cedarburg, WI 53012

Honorable Judge Angela W. Sutkiewicz  
Circuit Court Judge  
Sheboygan County Courthouse  
615 North 6<sup>th</sup> Street  
Sheboygan, WI 53081

Lynn Zigmunt  
Clerk of the Circuit Court  
Manitowoc County Courthouse  
1010 South 8<sup>th</sup> Street  
Manitowoc, WI 54220

A handwritten signature in black ink, appearing to read "Kathleen T. Zellner", with a long horizontal flourish extending to the right.

---

Kathleen T. Zellner

3. The State seized the Dassey computer a second time from Barbara Tadych on November 10, 2017 and, on information and belief, conducted yet another forensic examination of it. *See* Affidavit of Barbara Tadych, attached as Exhibit B, ¶¶ 3-6.

4. Through his attorney, Mr. Avery has on multiple occasions requested that the State produce data and documentation from its second forensic examination of the Dassey computer. *See* correspondence, attached as Group Exhibit C.

5. To date, the State has not responded to Defendant's requests for the data recovered and generated as a result of the second forensic examination.

6. Moreover, when Barbara Tadych turned the computer over to law enforcement on November 10, 2017, Investigator John Dederling told her that she should not give the computer to Mr. Avery's attorney. *See* Exhibit B, ¶ 7.

7. On information and belief, the Dassey computer has been returned by law enforcement to Barbara Tadych.

8. The Dassey computer and the data it contains are central to the claims in Mr. Avery's pending motion. Yet, Mr. Avery has never been given the opportunity to have his own expert examine the computer, and the State has made efforts to withhold its own analysis of the computer from him.

9. For this reason, Mr. Avery respectfully requests that this Court issue a subpoena to Barbara Tadych to produce the Dassey computer to this Court, at which time Mr. Avery will work to establish an agreed protocol with the State whereby Mr. Avery's expert can conduct a forensic examination of the computer.

4. Defendant included in Exhibit 22 the range of pages that included, per Detective Velie, the pornographic images and searches referenced above.

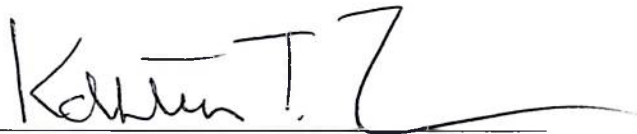
5. However, since filing Defendant's motion, Defendant has learned that Detective Velie was incorrect in that there are several other violent pornographic images on the Dassey computer referenced in the report.

6. Defendant is therefore submitting the remainder of Detective Velie's report of the examination of the Dassey computer on CD. The pages of images and data therein are bates-stamped AverySupp2450-6545.

7. Again, because the exhibit contains sensitive images as described herein, Mr. Avery submits that it would be appropriate for this Court to maintain the exhibit under seal.

Wherefore, for the reasons stated herein, Mr. Avery respectfully requests that this Court seal the exhibit to Mr. Avery's reply in support of his supplemental postconviction petition consisting of the images and data from the CD (AverySupp2450-6545) under seal.

Respectfully submitted,



Kathleen T. Zellner  
Admitted *pro hac vice*  
Kathleen T. Zellner & Associates, PC  
1901 Butterfield Road, Suite 650  
Downers Grove, Illinois 60515  
(630) 955-1212  
[attorneys@zellnerlawoffices.com](mailto:attorneys@zellnerlawoffices.com)



Steven G. Richards  
State Bar No. 1037545  
Everson & Richards, LLP  
127 Main Street  
Casco, Wisconsin 54205  
(920) 837-2653  
[sgrlaw@yahoo.com](mailto:sgrlaw@yahoo.com)

---

**Vel**



*Det. Velie report disk contents  
AverySupp-2450 - 6545*