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April 20, 2017

Kathleen T. Zellner & Associates, P.C.
Esplanade IV
1901 Butterfield Road, Suite 650
Downers Grove, Illinois 60515

Re: Scientific Testing

Dear Ms. Zellner:

Please find enclosed the Calumet County Sheriff's Office dispatch tapes for the requested time period. Also, pursuant to your request, we are providing you a copy of the *Flyover* of the Avery Salvage Yard during the initial search for Ms. Halbach. According to our records, these were previously provided to trial counsel. Additionally, as previously indicated, our search of the records from the Calumet County and Manitowoc County Sheriff's Offices failed to locate a recording of the phone message Ms. Halbach left on George Zipperer's voice mail service. Also, pursuant to another request from you, we were unable to determine the amount of fuel in the Toyota RAV4 at the time it was recovered on November 5, 2005. Previously, we provided copies of exhibits which were introduced into evidence; principally, the photographs of the ballistic comparisons made by former crime lab analyst William Newhouse.

As to your more recent requests for production of Item FL, the bullet fragment that contained Ms. Halbach's DNA fired from Mr. Avery's .22 cal. Marlin Glenfield rifle; and the bone fragments located one half mile away in the Radandt quarry pit, identified as Item #8675; these items are beyond the scope of the Preservation and Independent Testing Order of 2007, and beyond the Stipulation and Order entered this past November. Nevertheless, we are evaluating your requests and are inclined to make them available for further examination. But we would like to study the results from the Radiocarbon F14C and DNA Methylation tests to establish the age of Mr. Avery's blood, as well as the results of the body fluid source testing of the Toyota key and RAV4 hood latch; any new and improved DNA testing results of the swabs from the RAV4; and the results of the trace testing for

EXHIBIT

25

Kathleen Zellner
April 20, 2017
Page 2

the presence of chemicals, solvents, or fibers on the Toyota key and RAV4 hood latch.

When we began this process last fall we agreed to proceed in stages. This first stage of testing appears to be complete and you seemed to indicate as much in our March 20th phone conference. We asked for the results of these initial tests in our March 29th email. The results and/or testing efforts will assist us in evaluating these latest requests. Paragraph 8 of both the Stipulation and Order provides:

There will be simultaneous disclosure in writing to the defendant and the state of the testing results, bench notes, photographs and procedures employed and or protocols used in any scientific testing of the Exhibits covered by this stipulation, including but not limited to DNA Methylation, DNA Source Testing, EDTA and or Radiocarbon F14 C of the Exhibits covered by this stipulation.

Italicization added. The results will place these additional requests in context.

Lastly, while you have told us who will be examining the bullet fragment, you did not tell us for what purpose(s) and/or how any results might bear upon a request for a new trial. The bone fragments have some apparent relevance, albeit marginal; but a reexamination of Item FL, the bullet fragment, does not appear to have relevance to us at this point in time.

We look forward to continued discussion on these requests for scientific testing.

Sincerely,



Thomas J. Fallon
Assistant Attorney General

TJF:ajs

Enclosures