

State v. Allen Criteria:

Each Allegation Establishes Prejudice which Undermines Confidence in the Verdict of Mr. Avery

Ineffective Assistance of Trial and Post-Conviction Counsel				
Who	What	Where	When	Why/How
Stuart James <i>Blood Spatter Expert</i>	Expert opinion: The 6 spots of Mr. Avery's blood in the Rav4 were planted. (PCP 54)	Ms. Halbach's vehicle (Rav4)	November 5, 2005	Mr. James's opinion could have been used to establish that the Defendant's blood in the Rav4 was planted.
Stuart James <i>Blood Spatter Expert</i>	Expert opinion: Blood spatter on rear cargo door was caused by Ms. Halbach being struck on the head with a hammer/mallet as she lay on the ground by the rear bumper of her vehicle. (PCP 56)	Rear cargo door of Ms. Halbach's Rav4	November 5, 2005	Mr. James's opinion rebuts the State's theory that the blood spatter on the rear cargo door came from Ms. Halbach's hair as she was allegedly flung into the rear of the car by Mr. Avery. This would have created doubt about the State's theory against Mr. Avery.
Stuart James <i>Blood Spatter Expert</i>	Expert opinion: Trial defense counsel was incorrect that the 1996 vial was the source of Mr. Avery's blood in the	Ms. Halbach's Rav4	Summer, 2006	Mr. James's opinion demonstrates the ineffectiveness of trial and post-conviction counsel in not having a blood spatter expert. A blood spatter expert would have been able to present a credible theory of how the blood was planted.



Who	What	Where	When	Why/How
	Rav4. (PCP 57)			
Dr. Chris Palenik, PhD <i>Trace Expert</i>	Expert opinion: Establish that the key planted in Mr. Avery's residence was not Ms. Halbach's everyday key. (PCP ¶¶ 154-156)	Mr. Avery's trailer.	November 8, 2005	Dr. Palenik's opinion establishes that the key found in Mr. Avery's residence was planted.
Dr. Karl Reich, PhD <i>DNA Expert</i>	Expert opinion: Mr. Avery's DNA was planted on the sub-key. (PCP ¶¶ 361-364)	Mr. Avery's trailer.	November 8, 2005	Dr. Reich's experiments demonstrate that the key was planted because the quantity of DNA on the sub-key is not consistent with Mr. Avery holding the key and had to have been planted by a richer source of DNA, such as a toothbrush.
Kurt Kingler <i>Law Clerk</i>	Ms. Halbach's key was planted in Mr. Avery's bedroom. (PCP ¶¶ 146-150(a)-(g))	Mr. Avery's bedroom.	November 8, 2005	Mr. Kingler's experiment demonstrates that Sgt. Colburn and Lt. Lenk gave false testimony about the key being dislodged from the bookcase and being discovered next to Mr. Avery's slippers. This experiment refutes the State's claim that Mr. Avery had possession of Ms. Halbach's key and concealed it in his bookcase.
Dr. Chris Palenik, PhD <i>Trace Expert</i>	Expert opinion: The evidence about the hood latch was fabricated. (PCP ¶¶ 170-173, 176)	Ms. Halbach's Rav4	April 3, 2006	Dr. Palenik refuted the State's claim that the alleged hood latch swab had actually been used to swab the Rav4 hood latch.
Dr. Karl Reich,	Expert opinion: Mr.	Ms.	April 3,	Dr. Reich conducted a series of experiments

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<p>PhD <i>DNA Expert</i></p>	<p>Avery's DNA was never deposited on the Rav4 hood latch. (PCP ¶¶ 174-177)</p>	<p>Halbach's Rav4</p>	<p>2005</p>	<p>refuting the State's claim that Mr. Avery left a full DNA profile on the hood latch by simply opening the latch. Dr. Reich's experiments proved that it is impossible to leave a full DNA profile simply by opening the latch. Dr. Reich has proven that the alleged hood latch swab was actually a mislabeled groin swab taken from Mr. Avery. Dr. Reich has reviewed the opinion issued by Angela Sutkiewicz on October 3, 2017 and opines that the court misinterpreted the statistical data that he presented in his experiments and that "a reasonable number of independent tests" had been provided to the court. Dr. Reich also opines that the court fundamentally misunderstood the amount of DNA left on the hood latch and the four replicates of the experimental hood openings. Dr. Reich opines that it would have taken approximately 90 attempts at opening to hood latch to deposit the amount of DNA recovered by the Wisconsin State Laboratory.</p>
<p>Dr. John DeHaan, PhD <i>Forensic Fire Expert</i></p>	<p>Expert opinion: Ms. Halbach's body was not burned in the Avery burn pit but was burned in a burn barrel and her bones were transported to the</p>	<p>Mr. Avery's burn pit</p>	<p>November 8, 2005</p>	<p>Dr. DeHaan's opinion refutes the State's claim that Ms. Halbach's body was burned in Mr. Avery's burn pit and establishes that Ms. Halbach was burned in a burn barrel and her bones were transported to Mr. Avery's burn pit.</p>

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	Avery burn pit. (PCP ¶¶ 178-180)			
James Kirby <i>Licensed Wisconsin Investigator</i>	Investigator opinion: Ms. Halbach's electronic components were not burned in Mr. Avery's burn barrel. (PCP ¶¶ 185-188).	Mr. Avery's burn barrel	November 7, 2005	Mr. Kirby's experiments refute the testimony of the State's witness, Robert Fabian, that there was a smell of burning plastic emanating from Mr. Avery's burn barrel. This experiment refutes the State's theory that Mr. Avery burned Ms. Halbach's electronic components (cell phone, palm pilot) in his burn barrel.
Kurt Kingler <i>Law Clerk</i>	Law clerk experiment established that Ms. Halbach's camera was not burned in Mr. Avery's burn barrel. (PCP ¶189)	Mr. Avery's burn barrel	November 7, 2005	Mr. Kingler's experiment refutes the State's witness, Robert Fabian, that there was a smell of burning plastic emanating from Mr. Avery's burn barrel because Mr. Kingler's experiment establishes that there was no smell of burning plastic from the camera. This experiment refutes the State's theory that Mr. Avery burned Ms. Halbach's camera in his burn barrel.
Dr. Steven Symes, PhD <i>PhD in Anthropology</i>	Expert opinion: A microscopic examination would have determined whether or not the pelvic bone in the quarry was human. (PCP ¶¶ 181-184).	Manitowoc County Pit	November, 2005	Dr. Symes opines that a microscopic examination of the suspected human pelvic bone discovered in the Manitowoc County Pit would have conclusively proven whether or not these bones were human and if they were human, this finding would have refuted the State's theory that Ms. Halbach was burned in Mr. Avery's burn pit.

Who	What	Where	When	Why/How
<p>Gregg McCrary</p> <p><i>Police Practice and Investigation Expert</i></p>	<p>Expert opinion: The police investigation of Ms. Halbach's murder was fatally flawed by prematurely focusing on Steven Avery. (PCP ¶¶ 202-264, 265-288).</p>		<p>November 3, 2005-February, 2007</p>	<p>Mr. McCrary opines that the police investigation of Steven Avery was fatally flawed because of the "tunnel vision" of the investigators in prematurely focusing on Mr. Avery and ignoring other potential suspects who met the <i>Denny</i> criteria. If trial defense and post-conviction counsel had the opinion of a police procedure expert such as Mr. McCrary, they would have met the <i>Denny</i> criteria.</p>
<p>Bennett Gershman</p> <p><i>Professor of Law, a licensed attorney who is an expert on prosecutorial misconduct, and a former prosecutor</i></p>	<p>Expert opinion: Mr. Avery's due process rights were violated by lead prosecutor Kenneth Kratz. (PCP ¶¶ 380-432).</p>		<p>March 2, 2006-present</p>	<p>The ethical violations of Mr. Kratz, including his ongoing character assassination of Mr. Avery when he is no longer the prosecutor, have violated Mr. Avery's due process rights to a fair trial.</p>
<p>Wilmer Siebert</p> <p><i>Eyewitness</i></p>	<p>Eyewitness: Establishes that Ms. Halbach's Rav4 was planted on the Avery Salvage Yard on November 4, 2005.</p>	<p>Radandt Gravel Pit</p>	<p>November 4, 2005</p>	<p>Mr. Siebert's testimony establishes that Ms. Halbach's Rav4 was moved onto the Avery property on November 4, and refutes the State's theory that neither Ms. Halbach nor her vehicle ever left the Avery property after October 31.</p>

Who	What	Where	When	Why/How
	(PCP ¶ 289).			
<p>Bryan Dassey</p> <p><i>Witness; Brother of Bobby Dassey</i></p>	<p>Witness Bryan Dassey establishes that his brother, Bobby, committed perjury at Steven Avery's trial and that his mother set up the Auto Trader appointment with Ms. Halbach on October 31, 2005.</p>	<p>Dassey residence at N12930 Avery Road, Two Rivers, WI</p>	<p>November 4, 2005</p>	<p>Bryan Dassey told law enforcement that Bobby saw Ms. Halbach leave the property when he was interviewed on November 6, 2005. Bryan Dassey's statement undermines the State's theory that Ms. Halbach never left the Avery property on October 31, 2005. It also refutes the theory that Mr. Avery set up the appointment with Auto Trader. Bryan Dassey had a conversation with his brother, Bobby, on November 4, 2005 about Ms. Halbach, where Bobby admitted that Steven could not have killed Ms. Halbach because Bobby saw Ms. Halbach leave the property on October 31. (SAO0236). Bryan Dassey also recalled that his mother made the call to Auto Trader to set up an appointment instead of Mr. Avery. (Mot. To Reconsider Exhibit G: Bryan Dassey Affidavit).</p>
<p>Conrad Baetz</p> <p><i>Investigator for Trial Counsel</i></p>	<p>Investigator opinion: The trial defense counsel overlooked critical evidence that Ms. Halbach left the Avery property on October 31, 2005. (Mo. To Reconsider Exhibit H)</p>		<p>November 6, 2005 (Bryan Dassey interview)</p>	<p>Mr. Baetz admits that trial defense counsel completely overlooked the extremely important police interview of Bryan Dassey on November 6, 2005 in which Bryan states that Bobby has admitted that he saw Ms. Halbach leave the property and that he knew that Steven was innocent of her murder. The failure of trial defense counsel to interview Bryan Dassey and use him as an impeachment witness against Bobby, the key</p>

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				prosecution witness, was the most important error made by the trial defense team and caused the conviction of Steven Avery.
Ryan Hillegas <i>Witness at Mr. Avery's trial; Ms. Halbach's ex-boyfriend</i>	Ryan Hillegas committed perjury at Mr. Avery's trial when he stated that he was at Ms. Halbach's house on the night of November 3, 2005. (Mo. To Reconsider Group Exhibit P)	Ms. Halbach's residence at W3637 CTH B Hilbert, WI 54129	November 3, 2005	Mr. Hillegas's phone records reveal a 7:18 p.m. phone call to Kelly Pitzen, whom Hillegas testified he was with at Ms. Halbach's house until midnight or 1 a.m. Hillegas was never impeached despite law enforcement's possession of his phone records.

New Scientific Evidence Developed since 2015

Who	What	Where	When	Why/How
<p>Dr. Chris Palenik, PhD</p> <p><i>Trace Expert</i></p>	<p>Expert opinion: Dr. Palenik opines that #FL was not fired through Ms. Halbach's skull because of the absence of bone on the bullet's surface. (PCP ¶¶ 311-327)</p>	<p>Mr. Avery's garage floor</p>	<p>March 1, 2006</p>	<p>Dr. Palenik's opinion after conducting his examination of #FL completely refutes the State's theory that #FL caused Ms. Halbach's death by entering and exiting her skull. Without the use of 2016 technology, Dr. Palenik would not have been able to examine the bullet's surface with the same precision to reach this conclusion with the same degree of reasonable scientific certainty. Dr. Palenik has reviewed the opinion issued by Angela Sutkiewicz on October 3, 2017 and has offered the additional opinion that the court incorrectly assumed that he had not examined the entire bullet's surface for the presence of bone. Dr. Palenik states that he examined the entire surface and that "no particles consistent with bone were detected..." (Supplemental Affidavit of Dr. Palenik ¶3). Dr. Palenik restates his opinion based upon a reasonable degree of scientific certainty that the #FL bullet did not pass through the skull of Teresa Halbach as the State contended at Mr. Avery's trial. Therefore, Dr. Palenik's opinion refutes the State's theory that Mr. Avery caused Ms. Halbach's death.</p>
<p>Gary Hunt</p> <p><i>Senior Forensic</i></p>	<p>Expert opinion: A forensic examination of the Dassey computer</p>	<p>Dassey residence at 12930A</p>	<p>April 23, 2006</p>	<p>Mr. Hunt's forensic examination revealed pictures of the victim, Teresa Halbach, multiple pictures of young, deceased females, violent pornography, and</p>

Who	What	Where	When	Why/How
<i>Examiner with QDiscovery, LLC</i>	revealed multiple pictures of violent pornography, young, deceased females, and Ms. Halbach. (Mot. To Reconsider Exhibit Q)	Avery Road, Two Rivers, WI		multiple pornographic images of underage girls. This new evidence has provided expert Gregg McCrary with sufficient data to opine that the individual who saved these images should have been considered a potential suspect by the investigating authorities in 2006. All of the images were viewed at a time when only Bobby Dassey was in the residence.
<i>Gregg McCrary Police Practice and Investigation Expert</i>	Expert opinion: Bobby Dassey should have been considered a potential suspect in the murder of Ms. Halbach. (Mot. To Reconsider Exhibit S).	Dassey computer	April 23, 2006	Mr. McCrary has offered an opinion based on his training and experience as an FBI agent and police procedure expert that Bobby Dassey should have been investigated as a potential suspect in the murder of Ms. Halbach and the prosecution should have investigated the truthfulness of his testimony against Steven Avery based upon his statements to his brother Bryan and the very deviant, violent pornography that he was viewing during the relevant time periods prior to and after the murder of Ms. Halbach.

New Evidence: *Brady* Violations

Who	What	Where	When	Why/How
Kevin Rahmlow <i>Eyewitness</i>	Eyewitness: Mr. Rahmlow reported seeing Ms. Halbach's vehicle by the turnabout at the East Twin River Dam on Highway 147 and reported it to Sgt. Colburn. Sgt. Colburn never made a report of this conversation. (Mot. To Reconsider Exhibit D).	Turnabout at the East Twin River Dam on Highway 147	July 15, 2017	Mr. Rahmlow establishes a <i>Brady</i> violation that completely discredits the State's theory that the vehicle never left the Avery property.
Denise Heitl (fka Coakley) <i>Witness</i>	Witness, Ms. Heitl, establishes that Ms. Halbach's day planner was in her vehicle at the time of her murder. (Mot. To Reconsider Exhibit U).		October 31, 2005	Ms. Heitl's statement proves that Ms. Halbach had her calendar with her in her car on October 31, 2005. Ryan Hillegas's possession of the planner is, therefore, highly incriminating evidence that, at a minimum, links Mr. Hillegas to the Rav4 after the murder. Trial defense counsel was not supplied with this information which would have allowed them to impeach Mr. Hillegas and may have contributed to establishing the <i>Denny</i> criteria.