

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

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STATE OF WISCONSIN,

*Plaintiff,*

*v.*

Case No. 2005-CF-381

STEVEN A. AVERY,

*Defendant.*

MANITOWOC COUNTY  
STATE OF WISCONSIN  
**FILED**

MAR 30 2006

**CLERK OF CIRCUIT COURT**

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**DEFENDANT'S MOTION TO DISMISS  
OR TO CONDUCT PRELIMINARY HEARING**

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Steven A. Avery, by counsel, now renews his oral motion to dismiss the three new charges in the amended criminal complaint. Those are first degree sexual assault, kidnaping, and false imprisonment. No reliable information supports any of the three new charges; they accordingly fail to establish probable cause, and should be dismissed. Mr. Avery relies here on his oral motion made on March 17, 2006, on his argument in open court that day, and on his March 15, 2006, Memorandum Opposing Leave to File Amended Complaint (filed March 16, 2006).

Alternatively, Mr. Avery requests a preliminary hearing on the three new charges in the amended criminal complaint. In support of that alternate request,

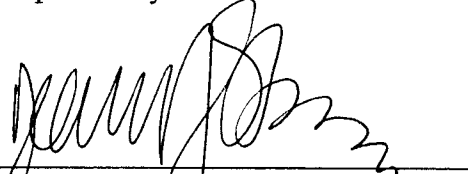
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resting on WIS. STAT. §§ 970.03, 971.01(1), and on *State v. Burke*, 153 Wis. 2d 445, 451 N.W.2d 739 (1990), and earlier cases, Mr. Avery tenders the accompanying memorandum of law.

WHEREFORE, Steven Avery asks the Court either to dismiss the first degree sexual assault, kidnaping, and false imprisonment charges in the amended criminal complaint, or to conduct a preliminary hearing on those three new counts.

Dated at Madison, Wisconsin, March 27, 2006.

Respectfully submitted,



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