

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

Plaintiff,

JUN 16 2006

v.

CLERK OF CIRCUIT COURT

Case No. 2005-CF-381

STEVEN A. AVERY,

Defendant.

DEFENDANT'S MOTION TO DISMISS

Steven A. Avery, by counsel, now moves to dismiss the five counts against him relating to Teresa Halbach. The state's actions, over a sustained period of time, to make a fair trial in the correct venue, Manitowoc County, impossible and to force the defense to seek a change of venue offend the state constitutional right to a trial in the vicinage of the alleged crime, under Article I, Section 7 of the Wisconsin Constitution, and further offend due process and fundamental fairness. U.S. CONST. amend. XIV; WIS. CONST. Art. I, § 8.

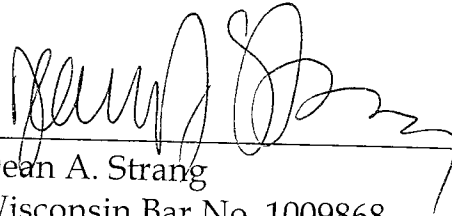
In support of his motion, Mr. Avery tenders the accompanying memorandum of law. He further requests an evidentiary hearing at which he will offer film footage of eight news conferences in which representatives of the state have appeared, calling state witnesses as necessary to authenticate and explain that film footage and comments that representatives of the state made on television.

WHEREFORE, Steven A. Avery requests an order dismissing the five counts in the Amended Information relating to Teresa Halbach. The conduct by the state at issue here does not bear on the felon-in-possession charge against Mr. Avery, and has not destroyed his rights to a trial in the correct venue on that charge and a fundamentally fair trial that comports with due process.

Dated at Madison, Wisconsin, June 15, 2006.

Respectfully submitted,

HURLEY, BURISH & STANTON, S.C.



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