

STATE OF WISCONSIN,

Plaintiff,

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

vs.

CASE NO. 05 CF 381

JUL 10 2006

STEVEN A. AVERY,

Defendant CLERK OF CIRCUIT COURT

ORDER REGARDING STATE'S MOTION PROHIBITING EVIDENCE OF
THIRD-PARTY LIABILITY ("DENNY" MOTION)

The Court having considered the State's "Motion Prohibiting Evidence of Third-Party Liability ("Denny" Motion)," the "Defendant's Response to State's Motion to Prohibit Evidence of Third-Party Liability (Denny Motion)," and the "State's Reply to Defendant's Response on the Motion to Prohibit Third-Party Liability Evidence," along with the oral arguments presented by the parties at the hearing on July 5, 2006, the Court orders as follows:

1. Should the defendant, as part of his defense, intend to suggest that a third party other than Brendan Dassey is responsible for any of the crimes charged, the defendant must notify the Court and the State at least thirty (30) days prior to the start of the trial of such intention. In that event, the defendant will be subject to the standards relating to the presentation of any such evidence established in State v. Denny, 120 Wis. 2d 614 (Ct. App. 1984).

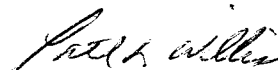
76
(1)

2. Should the defendant elect to offer any extrinsic evidence to suggest that any of the State's evidence against the defendant was deliberately "planted," the defendant shall be required to describe such extrinsic evidence and provide notice of the same to the Court and to the State at least thirty (30) days prior to the start of the trial.

3. The defendant shall not be prohibited from arguing that evidence was "planted" against the defendant without prior notice to the State if such argument is not based on extrinsic evidence offered by the defense, but only on inferences which the defense argues should be drawn from evidence introduced by the State.

Dated this 10th day of July, 2006.

BY THE COURT:



Patrick L. Willis,
Circuit Court Judge

g:\plw\orders\05 CF 381 (Avery order4)