

ORIGINAL

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH I

MANITOWOC COUNTY

STATE OF WISCONSIN

Plaintiff,

**STIPULATION REGARDING VENUE
AND TRIAL SCHEDULE**

vs.

Case No. 05-CF-381

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

STEVEN A. AVERY,

Defendant,

AUG 22 2006

CLERK OF CIRCUIT COURT

PURPOSE

The Jury Trial in this case is currently scheduled to begin October 16, 2006, and may last as long as 6 weeks. The Defendant has filed a "Change of Venue" motion, currently being considered by the Court. The State has opposed the granting of a venue change, based in part upon the inability of the victim's family to participate in the jury process if the trial was moved to a remote location. The State has opposed a second request by the Defendant to extend the date of trial until early 2007; the victim's family has asked the Court consider their objection to a further continuance of the jury trial date.

The Defendant has filed a motion to preclude jury oversight by the Manitowoc County Sheriff's Department based on prejudicial pre-trial statements made by the current Manitowoc County Sheriff. The Defendant has raised further concerns regarding the timing and content of additional pre-trial publicity in this case.

Strategic and practical reasons for this stipulation have previously been provided to the Court in written form, and additional support is attached hereto for the Court's consideration.

STIPULATION

Assuming the Court denies the Defendant's Motion to Dismiss (regarding the issues of prejudicial pre-trial publicity), and to resolve the motions regarding venue and trial scheduling, the parties have reached the following stipulation:

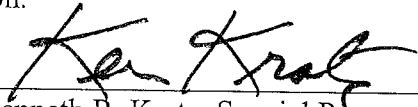
1. That the jury trial will commence on or about February 5, 2007. The parties continue to believe that the trial itself, including Jury Selection, Opening Statements, Receipt of Evidence, Closing Arguments, Jury Instructions and Jury Deliberation will last approximately 6 weeks.
2. That the jury trial will physically be held in the Calumet County Courthouse.
3. That the Court, with the input of the parties, has agreed upon the County in which the jury will be selected (identified in sealed correspondence dated 8/17/06), and thereafter transported to Calumet County for trial. ~~To avoid additional prejudicial pre-trial publicity or the possibility of contamination of the jury pool, the Court has instructed that release of the County of jury selection be delayed until the dissemination of a Special Jury Questionnaire.~~

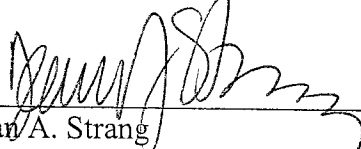
KK
DAS
JTB
SA.

22
(1)

ADOPTION OF STIPULATION

Based upon the agreement reached, which provides strategic and practical benefit to the State and Defense, the following interested parties hereby offer the above stipulation to the Court for approval and adoption.

8/17/06
Date

Kenneth R. Kratz, Special Prosecutor
Lead Counsel for Plaintiff, State of Wisconsin

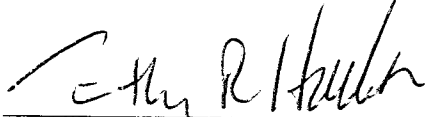
August 17, 2006
Date

Dean A. Strang
Lead Counsel for Defendant, Steven A. Avery

The above stipulation was explained to me by my attorney, and it meets with my approval. I understand that this stipulation requires withdrawal of the motion for change of venue, and partially resolves the previously filed motion for sanctions. I understand that I would have a right to be tried in Manitowoc County if I chose, and I forever give up that right by entering into this stipulation. I am aware of and agree with the County from which the jury will be selected. I also waive any right to appeal the decision made on either the place of trial, selection of County from which the jury may be selected, or delay in commencement of the trial, based upon this stipulation; I understand that any claim I may have of ineffective assistance of counsel cannot be waived.

8-17-06
Date

Steven A. Avery, Defendant

The above stipulation was explained to me, as a representative of the victim's family, and it meets with our approval. We understand that the Court would be required to consider the victims' wishes when deciding whether to grant another continuance, or in deciding the physical place of trial. We understand this agreement will allow the victim's family to participate in all aspects of the jury trial process, if we choose, given the physical location within Calumet County.

8/17/06
Date

Timothy Halbach, Victim Family Representative
Brother of Teresa Halbach

CALUMET COUNTY SHERIFF'S DEPARTMENT

GERALD A. PAGEL, SHERIFF
Paul A. Rusch, Captain



206 Court Street
Chilton, WI 53014

Radio Station – KGL 593
WI Teletype Code – CASO

Phone: Chilton (920) 849-2335
Appleton 989-2700 Ext. 222
FAX (920) 849-1431

August 14, 2006

Honorable Patrick Willis
Manitowoc County Circuit Court Judge

Re: Location of Steven Avery Trial

Dear Judge Willis:

If the court so decides, I would agree to have the trial for Steven Avery in Calumet County. I have spoken with Manitowoc County Sheriff Ken Peterson and Inspector Rob Hermann and we would agree to work jointly in providing security for Mr. Avery, members of his family, members of the Halbach family, members of the jury and potential witnesses.

There are certain logistical matters that would be beneficial in moving the trial to Calumet County. I would like to outline some of these areas.

1. Security of Steven Avery and Personal Safety of Officers Protecting Mr. Avery

- ◆ Mr. Avery could be moved from the Calumet County Jail through a secure corridor, separate from the public, into the courtroom and back again.
- ◆ Fewer officers would be needed to move Mr. Avery from the jail to the courtroom. This could be accomplished with one or probably two officers.

1. Transporting Steven Avery to Court

- ◆ Mr. Avery's attorneys have raised concerns about their client's safety, if allowed to be housed in the Manitowoc County Jail during the duration of the trial. Holding the trial in Calumet County would alleviate their concerns, since Mr. Avery would continue to be housed exclusively in the Calumet County Jail. In

addition, the risks and costs associated with transporting Mr. Avery to Manitowoc County for his trial would be eliminated if the trial were to be held in Calumet County.

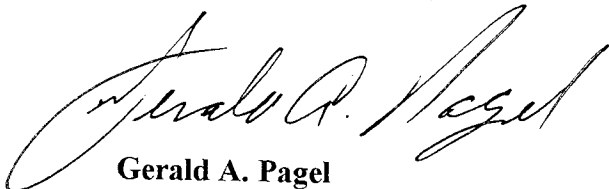
- ◆ Currently, four officers are used when transporting Mr. Avery to court. This includes a lead vehicle, two deputies who are with Mr. Avery and an officer (usually myself) in a following vehicle. This is the system as recommended by the U.S. Marshall's Office when moving "high profile" prisoners.

1. Security of Evidence Associated with this Case

- ◆ The Calumet County Sheriff's Department currently retains several hundred pieces of potential evidence, some of which are considerably large in size. These items would need to be transported to Manitowoc County for the trial. We are looking at several options on how this would be accomplished. Consideration is being given to renting a U-Haul truck and placing the items inside the truck. We would then either transport back and forth daily or store and seal the truck each day after court in Manitowoc County. If the second option is used, I feel an agreement with Mr. Avery's attorneys will be required to eliminate potential appeal motions. Even if an agreement was reached, what happens if the seal is discovered to be broken?
- ◆ If the trial was moved to Calumet County, any costs associated with transporting and storing the evidence would be eliminated. Preliminary costs estimates associated with renting a U-Haul truck range between \$20.00 per day and \$40.00 per day, depending on the size of the truck needed for transporting and storing the evidence.
- ◆ If the evidence is transported to Manitowoc County, an Evidence Custodian will need to be with the evidence to maintain the Chain of Custody and integrity of the evidence. Again, these costs could be eliminated by moving the trial to Calumet County.

I want to thank you for taking these areas of concern into consideration when making your decision concerning venue of the trial. If you would like to discuss these issues or any other concerns, please feel free to contact me.

Respectfully submitted,



Gerald A. Pagel
Sheriff for Calumet County



**MANITOWOC COUNTY
CORPORATION COUNSEL**
1010 SOUTH EIGHTH STREET
MANITOWOC, WISCONSIN 54220

Steven J. Rollins
Corporation Counsel

David P. Hemery
Assistant Corporation Counsel

Linda R. Flentje
Administrative Assistant

Laura A. Konop
Paralegal

TELEPHONE: 920-683-4062 FAX: 920-683-5182

August 15, 2006

Kenneth R. Kratz, District Attorney
Calumet County District Attorneys Office
206 Court Street
Chilton, WI 53014-1127

RE: *State v. Avery*, Case No. 2005-CF-381 (Manitowoc)

Dear Mr. Kratz:

The prosecution has filed a motion asking that the physical location of the trial in the referenced case be changed to Calumet County. It is my understanding that the defense may join in this request.

You have asked that I provide a statement indicating how Manitowoc County views the proposed change in the location of the trial. To that end, I have spoken with the County Executive, the Clerk of the Circuit Court, the Sheriff, the Comptroller, and the County Clerk. The purpose of this letter is to provide the county's view of the proposed change in the physical location of the trial.

Let me begin by noting that Manitowoc County believes that it is in the best interest of the county and its citizens for this case to be heard by the Manitowoc County District Court and by Judge Patrick Willis. We believe that it is essential that there not be any change in the judge presiding over this case.

Manitowoc County is amenable to the proposed change in the physical location of the trial for a number of reasons:

- The Calumet County Courthouse provides a good physical setting for the trial. It has an available, secure media courtroom, adequate conference rooms, judicial chambers, space for jurors, and waiting areas for witnesses and family members.

Kenneth R. Kratz
August 15, 2006
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- Motions are pending that could result in Mr. Avery's trial and Brendan Dassey's trial being heard at the same time. This could present some logistical problems given the space limitations in the Manitowoc County Courthouse.
- The physical evidence is held in Calumet County. While the cost of transporting the evidence to Manitowoc County will not be great, the cost of securing it for the duration of the trial could be significantly reduced if the trial was held in Calumet County.
- Security concerns and security costs could be lower if the trial is held in Calumet County.
- The cost to transport Mr. Avery to and from the trial could be significant and would create additional security costs by placing Mr. Avery on the road on a daily basis.

We understand that moving the location of the trial will produce some inconvenience for the court. For example, the judge will need to travel to Chilton for the trial. Similarly, Manitowoc County will need to provide a court reporter and a court clerk for the trial. We realize that this will result in some additional costs to the county.

We also understand that Manitowoc County will remain responsible for the costs associated with the trial wherever it is located. However, we believe that the total cost could be less if the trial is held in Calumet County instead of Manitowoc County.

Taking all of the factors together, it is Manitowoc County's view that the interests of justice could be best served by a change in the physical location of the trial. However, Manitowoc County recognizes that the decision with respect to the physical location of the trial rests with the discretion of the court. The purpose of this letter is simply to indicate Manitowoc County's view regarding the proposed change in the location with the hope that it will assist the court in making its decision.

I am available to discuss this matter further, if necessary.

Very truly yours,



Steven J. Rollins
Corporation Counsel

cc: Bob Ziegelbauer, County Executive