

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

STEVEN A. AVERY,

Defendant.

STIPULATION ON JAILHOUSE MEDIA INTERVIEWS

I.

INTRODUCTION

The Court requested that defense counsel reduce to writing the parties' August 10, 2006 oral stipulation on the use of four interviews of Steven Avery while he was in the Calumet County Jail. Those interviews are: Emily Matesic's November 12, 2005 on-camera interview; Emily Matesic's later telephonic interview, date uncertain; Jennifer Kolbusz's November 18, 2005 on-camera interview; and Jennifer Kolbusz's December 14, 2005 on-camera interview. The parties now offer this written stipulation.

123
(1)

II.
STIPULATION

1. At trial, the state may use the televised portions of Emily Matesic's on-camera interview of Steven Avery on November 12, 2005, without the constitutional objections that Mr. Avery raised in his June 16, 2006 motion to suppress statements to media in jail. Further, Mr. Avery will make no objection to admission of that statement based on the rule of completeness, WIS. STAT. § 901.07, if the state is unable to obtain the full raw footage of that interview. If, on the other hand, the state does obtain the full raw footage of that interview, the parties reserve the right to address admissibility under WIS. STAT. § 901.07 later. If offered by the state, Mr. Avery's statements described here are admissible under WIS. STAT. § 908.01(4)(b)1., perhaps subject to WIS. STAT. § 901.07 as described here.

2. At trial, the state may use the televised portions of Emily Matesic's later telephonic interview of Steven Avery on the same conditions set forth in paragraph 1 above.

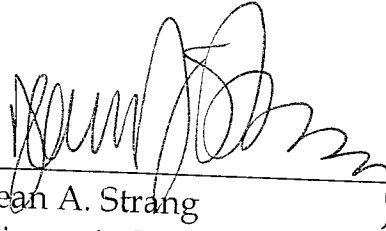
3. At trial, the state will make no use of Jennifer Kolbusz's on-camera interviews of Steven Avery on November 18 and December 14, 2005.

4. Neither party concedes merit to the opposing party's legal arguments on Mr. Avery's June 16, 2006 motion to suppress statements to media in jail.

5. If accepted by the Court, this stipulation renders moot Mr. Avery's June 16, 2006 motion to suppress statements to media in jail.

Respectfully submitted,

HURLEY, BURISH & STANTON, S.C.

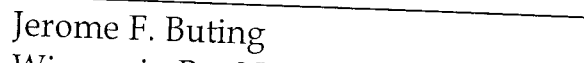


Dean A. Strang
Wisconsin Bar No. 1009868
Counsel for Steven A. Avery

10 East Doty Street, Suite 320
Madison, Wisconsin 53703
[608] 257-0945

BUTING & WILLIAMS, S.C.

400 Executive Drive, Suite 205
Brookfield, Wisconsin 53005
[262] 821-0999



Jerome F. Buting
Wisconsin Bar No. 1002856
Counsel for Steven A. Avery

STATE OF WISCONSIN



Kenneth R. Kratz
Wisconsin Bar No. 1013996

Calumet County District Attorney
206 Court Street
Chilton, Wisconsin 53014
[920] 849-1438

STATE OF WISCONSIN

Wisconsin Department
of Justice
17 West Main Street
Madison, Wisconsin 53703
[608] 266-1221

Thomas J. Fallon
Assistant Attorney General
Wisconsin Bar No. 1007736

Dated: August 17, 2006.

F:\clients\avery\media\stms stp.wpd