STATE OF WISCONSIN   CIRCUIT COURT   MANITOWOC COUNTY

STATE OF WISCONSIN,

        Plaintiff,

  v.   Case No. 2005-CF-381

STEVEN A. AVERY,

        Defendant.

MOTION FOR RETURN OF PROPERTY

    Steven A. Avery, by counsel, now moves the Court for an order requiring the state to return to him and to his family all physical items seized from the Avery salvage yard and associated residences and outbuildings during the period November 5-12, 2005, other than as those items are necessary exhibits at trial. Mr. Avery makes this motion pursuant to WIS. STAT. § 968.20(1). As grounds for this motion, he shows the following:

    1.   Since April or May, 2006, counsel and members of the Avery family have made several informal attempts to secure return of property. The State has returned a number of items voluntarily, but it also retains a number of other items.

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(1)

2.   Among the items the State retains that appear to have no evidentiary significance are bedding seized from a spare bedroom in the home of Delores and Allan Avery, hunting rifles not connected to Steven Avery or Brendan Dassey, and sundry other personal and business items.
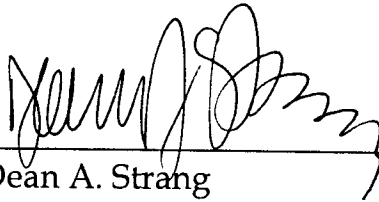
3.   Defense counsel believes, based on his contacts with the special prosecutor and the Calumet County Sheriff's Department, that the State Crime Laboratory is performing no further tests on the items at issue in this motion (again, the motion is limited to items seized between November 5-12, 2005).

WHEREFOR Mr. Avery, on behalf of himself and family members, asks the Court to order return of all seized items other than those necessary as exhibits at trial.

Dated at Madison, Wisconsin, September 11, 2006.

Respectfully Submitted,

HURLEY, BURISH & STANTON, S.C.

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