

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

OCT 3 2006

Plaintiff,

CLERK OF CIRCUIT COURT

v.

Case No. 2005-CF-381

STEVEN A. AVERY,

Defendant.

**DEFENDANT'S MOTION TO
EXCLUDE JAIL STATEMENTS AND TAPES**

Steven A. Avery, by counsel, now moves the Court to exclude from evidence at trial recordings of his conversations with family, friends, and clergy members made in the Calumet County Jail. He also asks the Court to forbid the state to make indirect evidentiary use of such recordings. This motion rests on the equal protection guaranties of both the Wisconsin Constitution and the United States Constitution. WIS. CONST. Art. I, § 1; U.S. CONST. amend. XIV, § 1. The motion does not challenge the legality of such recordings, provided the state limits their use to the jail security and safety interests that justify making the recordings in the first instance.

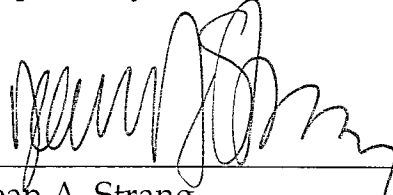
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In support of this motion, Mr. Avery offers the accompanying memorandum of law.

WHEREFOR, the Court should exclude all recorded statements that Steven Avery has made in the Calumet County Jail, and all tapes of such statements. The Court also should forbid the state from making indirect evidentiary use of such recorded statements.

Dated at Madison, Wisconsin, October 2, 2006.

Respectfully submitted,



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