

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH I

MANITOWOC COUNTY

STATE OF WISCONSIN

Plaintiff,

STATE'S SUPPLEMENTAL
DEMAND FOR DISCOVERY
AND INSPECTION

vs.

STEVEN A. AVERY,

Defendant,

Case No. 05-CF-381

TO: ATTORNEY DEAN STRANG
10 E. DOTY STREET #320
P.O. BOX 1528
MADISON, WI 53701-1528

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

OCT 18 2006

CLERK OF CIRCUIT COURT

Pursuant to s.971.23 (2m), (5), (7) and (9), of the Wisconsin Statutes, the plaintiff, State of Wisconsin, hereby demands that the defendant:

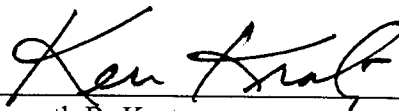
1. Provide the plaintiff an opportunity to inspect or copy any and all physical evidence which the defendant intends to introduce into evidence in this case. This includes, but is not limited to, any photographs the defendant intends to introduce at the trial in this case. This demand is made pursuant to Wisconsin Statutes s.971.23 (2m)(am) and (c) and (9).
2. Provide the plaintiff with copies of any and all reports of statements of experts made in connection with this case, including the results of physical, medical or mental examinations and of any scientific tests, experiments or comparisons conducted at the request of the defendant which the defendant intends to introduce upon the trial of this case, and provide the plaintiff with a list of any and all tests performed upon any evidence in this case, or of any tests performed upon any evidence in this case, or of any tests performed upon the defendant. This request is made pursuant to Wisconsin Statutes s.971.23 (2m)(am) and (9).
3. The state requests a copy of the defense expert's laboratory protocol(s) for DNA testing, as well as all quality assurance protocols for the laboratory and interpretation guidelines used in analyzing data generated through STR testing.
4. The state requests a report detailing the defense expert's experience and training with any genetic analyzer or genetic sequencer used in generation of data in this case, to include validation studies conducted by the defense expert's laboratory, the laboratory protocol, and the laboratory quality assurance protocol.
5. The state requests any and all results of proficiency tests administered by outside agencies taken by all personnel performing DNA analysis at the defense expert's laboratory. Also, the state requests the results of any and all audits conducted by outside forensic laboratory agencies of the defense expert's laboratory. In addition,

if proficiency tests and audits do not exist, the state requests an explanation as to why proficiency testing and audits have not been conducted.

6. The state requests any and all documentation that would establish compliance with nationally recognized standards for Forensic DNA Laboratories. If the defense expert's laboratory is not accredited and/or certified, the state requests an explanation as to why the defense expert's laboratory is not accredited or certified.
7. The state requests any and all documentation showing that the defense expert's laboratory is in compliance with the "Quality Assurance Standards for Forensic DNA Testing Laboratories" as promulgated by the Director of the Federal Bureau of Investigation (FBI).
8. The state requests any and all documentation pertaining to the defense expert's training, education and experience in the field of forensic science. Also, the state requests any and all documentation pertaining to the defense expert's training, education and experience in the field of forensic DNA analysis.
9. The state requests printouts of any and all data generated by any software program used to develop genetic profiles from the data generated by work done on biological stains in this case by the Wisconsin State Crime Laboratory in Madison, WI. This is to include GeneScan and GenoTyper printouts if those programs were used, GeneMapper printouts if that program was used, and printouts from any other program that may have been used. These printouts are to include the sample file information sheet depicting the parameters used in the analysis of the data. These printouts are also to include the results of GenoTyper analysis of the GeneScan projects generated from the defense expert's laboratory in analyzing the data if any. And they must include the identification of the Macro and any modifications made to the macro used by Genotyper, if any, to perform allele calling and any modifications made to the panels and bins used for GeneMapper to perform allele calling. The state requests that the defense expert copy in electronic format (read only CD) the entire project folder to include: sample files ("raw data") for all runs relevant to the case, analyzed sample files for GenoTyper projects, GeneScan projects for all runs relevant to the case, GeneMapper projects for all runs relevant to the case, and all matrices used in the case.
10. Provide the state with the methodology and the database used by the defense expert in formulating his or her opinions regarding the population frequencies, to include calculations or statistics the defense intends to use at trial.
11. The state requests information pertaining to how many times the defense expert has testified as an expert in DNA analysis or forensic science and where the defense expert has testified.

12. Provide the plaintiff the opportunity to conduct scientific analysis of any item of physical evidence which is intended to be introduced at the trial by the defendant in this case. This request is made pursuant to Wisconsin Statutes s.971.23(5).
13. The state requests that the defense expert reveal the percentage of his or her annual income from 1997 through September of 2006 derived from public defender appointments in and outside the State of Wisconsin for expert testimony and/or case review in DNA and/or forensic science cases; derived from defense attorneys who received appointments from the public defender in and outside the State of Wisconsin for expert testimony and/or case review in DNA and/or forensic science cases; and derived from defense attorneys privately retained in and outside the State of Wisconsin for expert testimony and/or case review in DNA and/or forensic science cases.
14. The plaintiff, State of Wisconsin, hereby demands that if the defendant, subsequent to compliance with one of the above discovery demands and prior to or during the trial, discovers additional material or other evidence which is subject to a valid discovery demand, the defendant shall hereby notify the plaintiff of the existence of any such additional material. This request is made pursuant to Wisconsin Statutes s.971.23(7).

Dated at Chilton, Wisconsin, this 13th day of October, 2006.



Kenneth R. Kratz
Calumet County District Attorney
Manitowoc County Special Prosecutor
State Bar # 1013996

Norm Gahn
Milwaukee County Asst District Attorney
Manitowoc County Special Prosecutor

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