

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH I

MANITOWOC COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

Case No. 05-CF-381

STEVEN A. AVERY,

Defendant,

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

JAN 8 2007

CLERK OF CIRCUIT COURT

NOTICE OF MOTION AND MOTION TO EXCLUDE BLOOD VIAL EVIDENCE;
OR IN THE ALTERNATIVE, TO ANALYZE THE VIAL OF BLOOD

PLEASE TAKE NOTICE that the State of Wisconsin, by Special Prosecutor Kenneth R. Kratz, will move the Court on January 4, 2007, at 1:30 p.m., or soon thereafter as counsel may be heard, for an order excluding blood vial evidence; or in the alternative, to have the vial of blood analyzed, which may necessitate a continuance.

As basis for said motion, the State relies on §§ 904.01, 904.03, *State v. Richardson*, 210 Wis. 2d 694, 563 N.W.2d 899 (1997), *State v. Denny*, 120 Wis. 2d 614, 357 N.W.2d 12 (Ct. App. 1984), and the attached memorandum.

Dated this 3rd day of January, 2007.



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

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