

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

IN MATTER OF SUBPOENA TO:

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

LAURA RICCIARDI, and
SYNTHESIS FILMS,

JAN 17 2007

Incident No. 05-157-955

CLERK OF CIRCUIT COURT

Reply AFFIDAVIT IN SUPPORT OF MOTION TO QUASH SUBPOENA

Laura Ricciardi, being sworn, states:

1. Since November 2005, I have been researching Steven Avery's criminal history, including his wrongful conviction in Manitowoc County Case No. 85FE118. The wrongful conviction is a significant aspect of my project.
2. While researching, I have made a number of visits to the Clerk of Court's office in Manitowoc County.
3. While at the Clerk's office, I have reviewed a number of case files and around February 2006 I asked to review the file for Case No. 85FE118. Access was denied at that time because the custodial clerk was out of the office.
4. Subsequently, I continued to research Avery's experiences within the legal and political systems in Wisconsin. In addition to information, I was pursuing visual aids to supplement the interviews that I was conducting. I sought visual aids through many sources, including local media outlets, Wisconsin State legislators, the Wisconsin Innocence Project, and the like. I had also filed Open Records requests with various governmental offices.

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5. On August 9 and 10, 2006, I was at the courthouse taping a 2-day hearing in the Avery case. I had time during that hearing to go to the clerk's office and again asked to see the file in Case No. 85FE118. I was told to return around 1:30pm. I did so, and at that time, Lynn Zigmunt graciously led me to her office.

6. My purpose for viewing the file was to tape visual aids for my film. By this time, I had exhausted many avenues to archival materials. Moreover, the case file contained unique, primary sources, which to my knowledge were available nowhere else.

7. There was a table in the back of her office. To the right of it were two large boxes. Ms. Zigmunt said the boxes contained the entire contents of the file for Case No. 85FE118. I signed a form, which showed that I was about to review the contents of the file. The items that I reviewed were matters of public record of a closed case.

8. I proceeded to review the contents. I shot approximately 50 minutes of footage, including all of the exhibits from the 1985 trial that I had time to film, approximately 60 items. These items included photographs, documents, exhibits of enlarged text, boxes labeled as containing biological samples taken from both the victim and Mr. Avery, clothing taken from both the victim and Mr. Avery, etc.

9. Film is a visual medium. I was looking for items that could serve as a visual representation of key moments in the 1985 case, and items that played a role in the proceedings. I filmed items from the file that I thought people had referred to in previous interviews, and other items that I thought might have value when treating Mr. Avery's 18-year effort to regain his freedom.

10. Given the scope and nature of my project, I naturally wanted to film the contents of this relevant and significant case file.

11. I did not film the 1985 file for the defense team. And, I have not shared the footage that I have described with any member of the defense team or the media.

12. Upon information and belief, members of the media have been covering the Halbach story in part by obtaining materials from the clerk's office that relate to the pending case.

13. Before the clerk's office granted me access to the 1985 case file, they had allowed me, like the rest of the media, to film the Plaintiff's exhibits from the preliminary hearing in the Halbach case. So, at the time I filmed the 1985 case file, I already had some experience filming exhibits on file in the Clerk's office.

14. I have contacted each and every one of my subjects directly. No one acted as an intermediary. No one to my knowledge or belief made a subject available to me by persuading them to cooperate with me or by setting up film shoots. I am and have acted as an independent filmmaker.

15. The state does not date the interviews referred to in its affidavit. It should be noted that I started filming and interviewing subjects 3 months before I ever spoke to Strang and Buting.

16. Before filming a subject, I explain the nature of my documentary, and that the footage will not be aired, if at all, until well after both the Avery and Dassey trials are concluded. It is important to me that my subjects understand that I am not working on behalf of the state or the defense but as an independent documentarian. It is important

to me for my subjects to know that they can speak freely about the matters discussed. It is at least implicitly understood that the interview will not play a part in the trials.

Laura Ricciardi
Laura Ricciardi

Subscribed and sworn to before me
This 12th day of January, 2007.

Phyllis S. Ricciardi
Notary Public

My commission is permanent/ expires: 06/07.

PHYLLIS S. RICCARDI
Notary Public
State of New York
No. 01RI4892459
Commission Expires 06/07