

07-21-2014

**SUPPLEMENTAL BRIEF
WITHOUT EXHIBITS**

STATE OF WISCONSIN CIRCUIT COURT
STATE OF WISCONSIN
Plaintiff,

V.

Case No. 05CF381.

Steven Avery
Defendant-Appeallant

FILED

JUL 21 2014

CLERK OF CIRCUIT COURT
MANITOWOC COUNTY, WI

ADDENDUM-SUPPLEMENTAL BRIEF
MOTION TO CONSOLIDATE MOTIONS

Request Ruling on §899.08 (1) certificates must be under seal....

Ruling on §804.11 on Authentication and Genuiness of Search
Warrant dated November 5, 2005

Ruling on whether or not this is a Stalking Horse Warrant of
November 5, 2005

Ruling on §753.04 and §753.05 Writs how issued....Validity of
warrant.

Request Ruling on State v. knight

Request ruling on Machner hearing

Request for investigatior

Request for evidentiary hearing

Request for evidentiary challenges

Request for depositions of witnesses due to perjured trial
testimony also called false swearing under oath

Ruling on Fed. criminal P. and R:R40

Dismissal of case No. 05-CF381

Dismissal of all charges

EXHIBIT LIST

EXHIBIT NUMBERS

- 38 Affidavit of Dolores Avery
- 37 Property owner Dolores Avery
- 34 Property owner Barbara Janda
- 35 Property owner Roland Johnson
- 36 Owner of business Charles Avery
- 31 Search Warrant
- 32 Phone Interview Pamela Sturm
- 39 Avery's Auto Salvage
- 33 *Search Warrant Seal*
- 40 *Affidavit Steven Avery*

I first wish to address A.D.A. Thomas Fallon's brief dated May 14, 2013.

All of these proceeding(s) are all about Avery's ORIGINAL criminal case no. 05CF381. So therefore, Escalona-Naranjo cannot be applied. After all, State and Federal constitutions trump any and all state cases. Please rule on this. Avery's case is very complicated, due to so many violations of due process guarantees.

It was the totality of the entry proceedings at trial (and upon appellate review) that failed to protect Avery's constitutionally guaranteed rights that were either the fault of Avery's trial counsel(s) or the Judge or both. Also upon appellate review, both appellate counsel(s). Now, Avery's current §974.06 motion shows; if given an evidentiary hearing that, Avery has irrefutable evidence to prove innocence, but it needs more investigation. But since Avery's civil liberties are seriously restrained, an investigator is necessary to investigate Avery's claims and allegations. Mr. Fallon ~~does~~ state that issues must be preserved at the Circuit Court even constitutional error(s). What Mr. Fallon fails to state, is it the state constitution? or Federal constitution? Which one Fallon? Question: is this harassing litigation or more deceptive litigation? An investigation? An investigation is necessary to sort through the (layers), massive amount of data, evidence and to peel away all the layers of deceit. (See affidavits enclosed).

Mr. Fallon's argument fails even further, as far as State v. Huebner in re to: the forfeiture rule to prevent attorneys from sand bagging errors...then later claiming that the errors are grounds for reversal is NON-SENSE. Avery states then lets get rid of the state public defender appellate division and not allow convicted defendants their post convictions under §974.02 stats! Avery states that the possibility of a warrantless surveillance was conducted on both the investigator and trial counsels, during pre-trial and trial preparations and, that pretrial conversations

could have been "privy" to the D.O.J.. Avery' states that any lip reader could very well interpret and read these pretrial and trial conversations and strategies. Especially this case that costs well over one million dollars to prosecute.

Avery can only be convicted under accurate information. That was not the case in State v. Avery.

NO permission was ever granted to enter the property by Dolores Avery on November 5, 2005. See; Exhibit 38 (affidavit) enclosed. By Ex-FBI agent Pamela Sturm, now private investigator as of November 5, 2005. And her daughter Nikole Sturm. Question: does not an EX- FBI agent, now a private investigator, know the laws concerning property rights? Q: How did Pamela Sturm not know this? Obtained her private investigators license? How?

See Exhibit 36 Charles Avery was the owner of the business not Earl Avery as of November 5, 2005. Further, Earl Avery stated to Pamela Sturm that "he", I, Earl Avery AM NOT the property owner. Avery believes this is a warrantless search. Question: why was Pamela Sturm dismissed from the FBI?

Dolores Avery has made a signed affidavit stating that *Dolores* Avery, property owner of the property at 12930 Avery Road, NEVER gave permission for Pamela Sturm and Nikole Sturm to enter and search the property on November 5, 2005. Charles Avery, owner of Avery's Auto Salvage, was 1-- miles away in Crivitz, Wisconsin. He was nowhere to be able to give permission to enter and search Avery's Auto Salvage.

Note: Charles Avery and Earl Avery cannot give permission to ANYONE to search the premises or property, and because both Ex-FBI Agent Pamela Sturm and her daughter Nikole Sturm were not looking for parts, NO permission would have been granted to search the property . Earl Avery was only an employee from 1998 to March 7, 2008.

On November 5, 2005, a search warrant issued forth from Manitowoc county court house without proper (missing) address, also missing seals and with multiple residents of different people, on just ONE (1) single search warrant? Please rule as far as the validity of warrant of November 5, 2005.

Further: please read states affidavit and search warrant of November 5, 2005, with missing address of Avery's Auto Salvage and three (3) properties listed with separate property owners to each property listed on the search warrant erroneously. Is this a valid search warrant? Please advise. Also, please rule on this and also should a Judge have signed the affidavit and Avery's Auto Salvage search warrant? Please advise. Search warrant of November 5, 2005 has no address for Avery's Auto Salvage please rule on the validity of this warrant. Avery's Auto Salvage is not at 12932. Does the law state one property on one warrant? Please rule on this issue of law. Question to Judge: can search warrant have only the name of the person but no address? Or have have NO SEAL on this search warrant of November 5, 2005? Avery Auto Salvage is located at 12930 Avery Road. how about a search warrant with multiple properties with multiple (DIFFERENT) property owners? Please rule on these issues.

The state fully knows that if the search warrant is quashed, anything obtained under the search warrant must be thrown out. It's called "Fruits Of The Poisoness tree". Please rule on this issue and the Stalking Horse warrant issue as well.

Was the affidavit and search warrant on November 5, 2005 properly signed and executed? Please advise and rule on these issues. The law states one (1) warrant, one (1) property. Please rule on these issues.

Further; there is conflicting testimony on the november 5, 2005 affidavit. See; Fact 4. Avery's Auto Salvage does not encompass 12932 or 12930A. These are LOTS and are just one acre lots. Each owned separately by different owners. please explain this.

Affidavits and search warrants can only issue forth (upon) under accurate information.

Fact 5, Avery wants further stated on the record that there is misleading information when Pamela Sturm read vin numbers to Calumet County Sheriff Department. See; complaint 05-0157-955; see page 64, was it TOZ5X7, al or at? or al or at? Which is it what's going on?

Also, November 5, 2005 affidavit for search warrant signed by D.A. Kratz and Mark Wiegert investigator. Was this to be read then signed by the Judge? To be accurate? Could vehicle be another vehicle?

Avery wishes stated on the record that Pamela Sturm stated under oath that she had permission to enter the property. UNTRUE. Also, Pamela Sturm stated under oath that "she" did not know Sheriff pagel's Answering Service? Of the Sheriff. Question: did she not call 9-1-1?

Request a deposition of these persons: Pamela Sturm, Nikole Sturm, Sheriff Pagel, Mark Wiegert, due to perjured trial testimony.

See Exhibit 39, Avery's Auto Salvage is located at 12930 Avery Road and is owned by Charles Avery Owner..

See Exhibit 36 a Quit Claim Deed dated March 27, 2008 stating that owners are Charles Avery and Earl Avery.

See Exhibit 36 page 1,2,3,4,; this is NOT homestead property of 1988-2014. All other properties ARE homestead property(ies).

Avery further state Halbach's car was found at 10:29 a.m. police were on property at 11:10 p.m.. Car was unsealed and unlocked and towed away in pitch dark! Question: why was it taken in the middle of the night? Unsealed?

Ineffective assistance of trial counsels. In Re to juror bias:

Juror Carl Wardman throughout the entire trial made comments during trial such as "he's fucking guilty" to other jurors so as to deprive Avery of a fair and impartial trial. Carl Wardman so contaminated the jury as above also stated this repeatedly throughout the trial. Question: why wasn't Wardman replaced? Especially when he stated several times, "he's fucking guilty" in front of other jurors in the juror room, restaurant, and who knows where else? Question: what does the jury instructions instruct what can a juror do and what NOT a juror can do?

Question: Are these issues reversal error(s)?

Further: Avery's current §974.06 Post Conviction motion of February 10, 2013 additionally Avery's brief under §974.02 in case no. 2010AP000411CR from the Wisconsin Court of Appeals District II, also needs to be addressed since all these cases are all about Avery's ORIGINAL criminal case. All these cases are Legally Umbilically tied together. NOTE: Every effort was made by appellate counsels to "skirt" around any and all REAL appealable issues that would have proven beyond a reasonable doubt. Avery states that there exists a miscarriage of justice in the totality of these proceedings and the other proceeding directly related to Avery's case. Please rule on these issues.

CERTIFICATE OF SERVICE

I certify and state under penalty of perjury that on this day, I served a copy of the within Motion For Relief pursuant to Wis. Stats. §974.06 on the plaintiff at the address listed below by way of pre-paid first class mail.

Signed Steven Avery
Dated 7/16/2014

Steven Avery #122987
Waupun Correctional Institution
P.O. BOX 351
Waupun, Wisconsin 5396

CC: Judge Angela W. Sutkiewicz
D.A. Thomas Fallon
D.A. Norm Gahn
Clerk Of Court Manitowoc County
Attorney Philip L. Hoff
Steven Avery