

08-21-2015

MOTION

WITHOUT EXHIBITS

STATE OF WISCONSIN CIRCUIT COURT
STATE OF WISCONSIN
Plaintiff,

V.

Case No. 05-CF-381. **FILED**
AUG 21 2015

STEVEN AVERY
Defendant - Appellant,

CLERK OF CIRCUIT COURT
MANITOWOC COUNTY, WI

ADDENDUM - SUPPLEMENTAL BRIEF - MOTION TO CONSOLIDATE
MOTION FOR RELIEF PURSUANT TO WIS. STAT § 974.06
ILLEGAL WARRANTLESS SEARCH AND SEIZURE.

Request Ruling on § 899.08 (1) Certificates must be under seal....
Ruling on § 804.11 on Authentication and Genuiness of Search
Ruling on whether or not this is a Stalking Horse Warrant of
November 5, 2005, Warrant issue as well.
Ruling on § 753.04 and § 753.05 Writs how issued.... Validity
of warrant.
Request Ruling on § 968.23. Forms (A.) (B.,) being duly sworn,
on the Affidavit to be true for Judge.
Ruling on One Warrant One Property.
Request Ruling on Mark Wiegert Lying on Affidavit to get the
Judge to sign the warrant.

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THE BILL OF RIGHTS AND THE FOURTEENTH AMENDMENT,

THE Fourth Amendment protects citizens against unreasonable searches and seizures, without a warrant:

My Constitutional Rights Been Violated!

Steven Avery is asks this Court to enter an order suppressing these Cases on a NO GOOD WARRANT AND MY FOURTH AMENDMENT RIGHTS. WARRANTLESS SEARCH, .

Dismissal of Case No. 05-CF-381

Dismissal of Case No. 05-CF-375

Dismissal of all Charges

The Defendant Seeks to Suppress all Evidence Seized From all Propertys, .

EXHIBIT LIST

EXHIBIT NUMBERS :

- 31 SEARCH WARRANT
- 32 PHONE INTERVIEW PAMELA STURM
- 33 SEARCH WARRANT SEAL
- 34 PROPERTY OWNER BARBARA JANDA
- 35 PROPERTY OWNER ROLAND JOHNSON
- 36 OWNER OF BUSINESS CHARLES AVERY
- 37 PROPERTY OWNER DOLORES AVERY
- 38 AFFIDAVIT OF DOLORES AVERY
- 39 AVERY'S AUTO SALVAGE
- 40 AFFIDAVIT OF STEVEN AVERY
- 41 REPORTING OFFICER: SHERIFF JERRY PAGEL, PAGE (58) (59)
- 42 REPORTING OFFICER: Inv. WENDY BALDWIN, PAGE (68) (69)
- 43 REPORTING OFFICER: Inv. JOHN DEDERING, PAGE (70) (71)
(72)
- 44 JUDICIAL BRANCH PAGE (587) (588)

968.12 Search Warrant (1) (2) (3) (4)

Note: See the notes to Article I, Section 11 of the Wisconsin Constitution.

968.17 Return of Search Warrant (1) (2) Within 48 Hours

968.23 Forms

Affidavit or Complaint

No. 1 The affidavit does not provide Probable Cause.

No. 2 To overcome this presumption, the defendant must prove that the challenged statement is False, and second that the affiant intentionally made the False statement.

No. 3 On Complaint No. 05-0157-955, this information was not on the warrant so Mark Wiegert lied to get the warrant. All these VIN Numbers were not on the affidavit on the page 64, and this is not Probable Cause, and the Cops were on the Property at 11:10 a.m. and the warrant was at 3:48 p.m., On page 66.

No. 4 ONE Warrant ONE Property is the Law! I got 3 Property.

CONSTITUTION

Search and Seizures. Section 11.

Remedy for Wrongs Section 9.

Probable Cause and Warrant

Warrantless Search and Seizure

The illegal entries and Searches,

No Warrant to be on Property or Permission to be on Property!

Mark Wiegert Lying on AFFIDAVIT TO GET THE JUDGE TO SIGN

THE WARRANT,

THE ILLEGAL 3 PROPERTYS WARRANT IS NOT THE WISCONSIN STATUTES

ONE PROPERTY ONE WARRANT, THIS IS VIOLATING THE LAWS.

RULE 41. OF FEDERAL LAWS ON SEARCH AND SEIZURE ON WARRANT IS

ONE PROPERTY ONE WARRANT IS THE STATUTE TO.

MARK WIEGERT THE INVESTIGATOR FROM CALUMET COUNTY SHERIFF

DEPARTMENT, BEING FIRST DULY SWORN ON OATH, STATES ON INFORMATION

AND BELIEF THAT THE FACTS TENDING TO ESTABLISH THE GROUNDS FOR

ISSUING A SEARCH WARRANT ARE AS FOLLOWS:

MARK WIEGERT TO BE CHARGED WITH LYING TO MAKE A STATEMENT THAT

ONE KNOWS TO BE UNTRUE. AND BEING FIRST DULY SWORN ON OATH,

STATES ON INFORMATION AND BELIEF THAT THE FACTS TENDING TO

ESTABLISH THE GROUNDS FOR ISSUING A SEARCH WARRANT, WAS LYING

TO HAVE THE JUDGE SIGN A ILLEGAL SEARCH WARRANT.

EARL AVERY TOLD PAMELA STURM, THAT HE WAS NOT THE OWNER OF

THE PROPERTY THAT HIS MOTHER WAS "DOLORES AVERY" AND PAMELA STURM

AND NIKOLE STURM, DID NOT GET PERMISSION TO ENTIRE THE PROPERTY, .

AND NO WARRANTS FOR THE Peace Officer to Entire any Property

with out a warrant, not a foot.

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

NO permission was ever granted to enter the property by Dolores Avery on November 5, 2005. See; Exhibit 1 (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? Question, How did Pamela Sturm not know this Question. Obtained her private investigator license Question. How?

See Exhibit 2 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 Question.

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 100 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 at Avery's Auto Salvage to with it change to March 7, 2008.

Then Earl Avery came to be owners to with Charles Avery, in 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 owner 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 on 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 stat 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 mush 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 stats 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 T0Z5X7, al or a T ? or a 1 or a T? Which is it what's going on here ?

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, Pamela Sturm did not know Sheriff Pagel's Answering Service? Of the Sheriff. Question: did she not call 9-1-1 She did 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?

Ineffective assistance of Counsels, and Bias: For not investigating the Search Warrant, and the investigator on the AFFIDAVIT FOR SEARCH WARRANT, Mark Wiegert, Lied ON THE ARRIDAVIT.

Manitowoc County State Public Defender, Erik Loy, & Craig Johnson, Ineffective assistance of Counsel, and Bias:

Ineffective assistance of trial Counsels, and Bias: Dean A. Strang, & Jerome F. Buting, Ineffective assistance of Counsel, and Bias:

Ineffective assistance of the State of Wisconsin State Public Defender of Appellate Division of Madison Wisconsin. Suzanne L. Hagopian, and Martha K. Askins, Ineffective assistance of Counsels and Bias:

AVERY WAS DENIED HIS DUE PROCESS RIGHTS UNDER THE UNITED STATE AND WISCONSIN CONSTITUTONS TO A SEARCH WARRANT AND A AFFIDAVIT FOR A SEARCH WARRANT BY AN UNBIASED JUDGE, .

LEGAL STANDARD

Where the judge has a direct, personal, substantial, or pecuniary interest, due process is violated.

The Fourth Amendment's Prohibition Against Unreasonable Search and Seizures is the most litigated issue in Trial and appellate Court all over the land.

If police Violate a Suspect's Constitutional Rights, then the evidence that is derived, or as the Law Metaphorically put it, "The Fruits of the Poisonous Tree," Will be Suppressed, and the Whole Case Might Fall.

And police must tread Especially Cautiously when it Comes to our Homes for "A Man's Home is His Castle," OR SO SAYS THE LAW. The rule is Uncharacteristically Clear: Absent exigent Circumstances, Consent of the owner, or a Warrant, Cops Can't Arrest a person in his or her home.

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 8-18-2015

Steven Avery # 122987
Waupun Correctional Institution
P.O. Box 351
Waupun, Wisconsin 53963

CC:

Judge Angela W. Sutkiewicz
D.A. Thomas Fallon
Clerk of Court Manitowoc County