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STATE OF WISCONSIN

STATE OF WISCONSIN,

vs.

Plaintiff,

Plaintiff,

Plaintiff,

Defendant.

CIRCUIT COURT MANITOWOC COUNTY

MANITOWOC COUNTY

REGARDING DEFENDANT'S

MOTION FOR CHANGE OF

VENUE

MANITOWOC COUNTY

STATE OF WISCONSIN

FILE D

JUI 3 1 2006

Timothy Halbach, being first duly sworn, under oath, states as follows:

CLERK OF CIRCUIT COURT

- 1. Your affiant is the brother of the victim in the above-captioned case, Teresa Halbach, and is intimately familiar with the circumstances of the entire Halbach family, and circumstances surrounding the prosecution of the defendant, Steven A. Avery.
- 2. As an attorney, your affiant is aware that each member of the Halbach family is considered a crime "victim" and entitled to rights as set forth in Chapter 950 of the Wisconsin Statutes. Your affiant is also aware that crime victims' rights are Constitutionally protected in the State of Wisconsin, as set forth in Article I, Sect. 9m of the Wisconsin Constitution.
- 3. Among those rights that the Halbach family are entitled to, your affiant is aware that the family members have a right to have their interests considered when the court decides whether to grant a continuance in the case (950.04(1v)(a)); to attend the court proceedings in the case (950.04(1v)(2)); and to a speedy disposition of the case in which they are involved as a victim (950.04(1v)(k)). Your affiant is also aware that the legislative intent regarding rights extended to crime victims under Chapter 950 shall be monitored and protected by judges in a manner no less vigorous than the protections afforded criminal defendants, as set forth in Sect. 950.01 Wis. Stats.
- 4. That if the defendant requests a change of venue, the Halbach family requests the court, in lieu of changing the place of trial, require the selection of a jury from another county, and have the trial itself proceed in Manitowoc County.
- 5. That Teresa Halbach's parents, Tom and Karen Halbach, operate a dairy farm near Hilbert, Wisconsin, and do not have any employees. The Halbach's milk cows twice a day, and Manitowoc County is already as far as they would be able to travel to be present during any jury trial in this case. Your affiant is aware that Tom and Karen Halbach have not been absent from their family farm for more than two days in the 18 years that they have been operating the farm.
- 6. Your affiant is aware that Teresa Halbach has two sisters (Katie and Kelly) who attend school in the Hilbert area, and as they are involved in numerous extracurricular activities, their parents are not willing to leave them home alone for any extended period of time.

- 7. Teresa Halbach's younger brother, Mike Halbach, is employed by the Green Bay Packers, and if the trial occurred in any county other than Manitowoc (or other northeast Wisconsin county), it would be difficult to attend the trial, and still fulfill his employment obligations.
- 8. Your affiant is employed as an attorney in a law firm in Chilton, Wisconsin, and intends to be present during the jury trial held in Manitowoc County, while working in the evenings during the trial. Should the place of trial be moved from Manitowoc, your affiant may not be able to attend the trial.
- 9. Your affiant is aware that many Halbach extended family members intend to be present for a portion of, most, or all of the jury trial held in this matter, and should the trial be moved to a remote county, hardship on the Halbach family would be obvious and substantial.
- 10. That the Halbach family has designated Mike Halbach as the representative for the family for purposes of making any public statements, and that the Halbach family has purposefully attempted not to make any inflammatory statements in the media directed against the defendant, Steven Avery, and have remained respectful of the criminal justice process, and the Halbach family intends to maintain that posture.

Respectfully submitted this $\frac{18\pi}{2}$ day of July, 2006.

Timothy Halbach

Signed and sworn before me this day of July, 2006.

My Commission Expires: