

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



January 18, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Per your request, enclosed please find a proposed Order in the above-entitled matter. If it meets with your approval, I am requesting that you sign the original and forward a signed copy to me and to Attorney Loy.

I have also enclosed a copy of the transcript of the arraignment and bond modification motion hearing held on January 17, 2006. It is my understanding that Attorney Loy only requested that the Avery Salvage Yard be considered as a guarantee in this matter (see Transcript, p. 7 and p. 11). See also Defendant's Amended Motion to Reduce Bail. The State therefore only directed its argument to that issue (p. 10), and the court ruled accordingly (p. 13)

Finally, the court indicated it would "consider" a mortgage of the property (p. 13); should that be offered by the defendant, the State requests another hearing on the issue. Questions of fair market value, other lien holders, execution of mortgage documents, and other factors would need to be decided at that hearing.

Thank you for your attention to this matter.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK:mlm
Enclosure
cc: Attorney Erik Loy

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

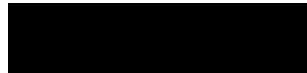
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



January 23, 2006

The Honorable Patrick Willis
Manitowoc County Circuit Court

**TRANSMITTED VIA US MAIL
AND FAX**



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

I have reviewed correspondence from Attorney Loy to the Court dated January 19, 2006, which includes a proposed Order Modifying Bail. Mr. Loy includes in his proposed order, that in lieu of cash, "the defendant shall be released on a property bond of \$500,000 provided that there is a sufficient showing of equity in the property and its fair market value ...".

In my proposed Order to the Court dated January 18, 2006, I included the entire transcript from the bond modification hearing and referenced Mr. Loy's own motion to reduce bail. No where was there a discussion of property outside of Manitowoc County; Mr. Loy's argument was limited to the family's business, which includes real estate located in Manitowoc County.

The Court further indicated that it "would consider" a mortgage of property of the defendant's family (transcript page 13). If the Court intended to allow a "property bond" in lieu of cash, the Court would have said so. If the Court would have considered property outside of Manitowoc County, it would have included such property in its' ruling, and at the very least, the State would have been given an opportunity to argue the wisdom of such a bail modification approach.

As an example, is Uncle Bob's condo in Fort Meyers, Florida going to be allowed by the Court to be pledged in lieu of cash? Does the Clerk of Court's Office in Manitowoc County have the ability to execute a mortgage, rather than accepting cash? Is the County equipped to draft, execute, record, and perfect financial instrumentalities like mortgages? Are the environmental drawbacks associated with a salvage yard going to be considered by Manitowoc County in deciding whether to accept such property in lieu of cash? These are all issues that have not been raised, and need to be decided by the Court should something other than cash bail be accepted (as authorized by Section 969.03(1)(d)).

The decision to accept “sufficient solvent sureties” in lieu of cash is for the judge and the judge alone; the defendant does not have the authority to choose what the Court will accept in lieu of cash bail. See State vs. Gassen, 143 Wis. 2nd 761 (Ct. App 1988).

It is, once again, my suggestion that before the Court accepts bail other than cash, in this case, that a hearing be held on its consideration. I would also note that if property is going to be pledged in lieu of cash bond, public safety concerns must be further considered by the Court, and the State should be given an opportunity to provide the Court with additional details as to the defendant’s risk of flight, and the Court’s need to protect the public, should the defendant be released.

I await the Court’s response.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK:sbg

cc: Attorney Erik Loy

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



February 22, 2006

The Honorable Patrick Willis
Manitowoc County Circuit Court



**TRANSMITTED VIA US MAIL
AND FAX**

Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

It is my understanding that Attorney Erik Loy will be requesting that he be relieved of his responsibilities as defense counsel in this matter.

I am respectfully requesting that a hearing be held prior to you approving any motion to withdraw filed by Attorney Loy. Attorney Loy was previously informed that I would be requesting such a hearing.

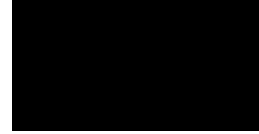
Sincerely,

Kenneth R. Kratz
District Attorney

KRK:mlm
cc: Attorney Erik Loy

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



April 14, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Per your request, enclosed please find a proposed Order Denying Defendant's Motion to Dismiss Complaint or to Conduct Additional Preliminary Hearing in the above-entitled matter. A copy of this proposed order was forwarded via e-mail to Attorney Strang; however, I have not received a response from him as of noon on Friday, April 14.

If you do not receive an objection from Attorney Strang and the order meets with your approval, I am requesting that you sign the original and forward a signed copy to me and to Attorney Strang.

Thank you for your attention to this matter.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK:mlm
Enclosure
cc: Attorney Dean Strang

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



April 19, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Enclosed please find Appointment of Special Prosecutor forms for filing regarding the above-referenced case. Please file the forms and return a stamped copy to our office.

Thank you for your attention and please feel free to contact me with any questions or concerns.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK:sbg

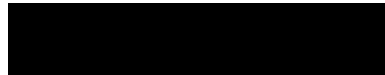
CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



June 9, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381
Pre-Trial Motion Filing

Dear Judge Willis:

The Court ordered that pre-trial motions be filed no later than June 16, 2006. The Court has also indicated that it will consider "motions in limine" closer to the jury trial date, as some matters necessarily will not become ripe for discussion until that time. Nevertheless, those matters that the State anticipates require an advance ruling have been included in this first set of motions. The Court also ordered that any other acts motions, or motions that may tend to create unnecessary pre-trial publicity, should be filed with the Court "under seal," and those have been identified herein.

Now, therefore, please accept for filing the following pre-trial motions:

1. Nine motions to allow the introduction of "other acts" evidence (filed under seal)
2. The State's "preliminary" set of motions in limine (filed under seal)
3. Motion concerning third party liability a/k/a "Denny" motion (filed under seal)
4. Motion regarding admissibility of DNA evidence
5. Motion for jury view

The State is also aware that the Court will be seeking input on use of a detailed pre-selection jury questionnaire; until the defendant's position on its change of venue motion is determined, the State will not be in a position to provide the Court with specific direction or recommendations as to the jury questionnaire. That will, obviously, occur in a timely fashion, providing the Court with sufficient lead time to fashion a jury questionnaire before the selection process commences.

The Honorable Patrick L. Willis
June 9, 2006
Page -2-

Finally, additional pre-trial motions may become necessary, as issues arise, and the State understands the Court will allow hearing on additional motions, when filed. The State agrees that whatever issues can be raised, and decided, in a pre-trial format will assist the efficiency of this jury trial process.

Sincerely,

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

KRK:mlm
Enclosures

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn

**CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney**

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



FAX TRANSMITTAL FORM



FAX NO: 

TO: **The Honorable Patrick Willis
Manitowoc County Circuit Court, Branch I**

FROM: **Kenneth R. Kratz
Calumet County District Attorney
Manitowoc County Special Prosecutor**

RE: **State vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381**

Total number of pages including this cover sheet: **14**

MESSAGE:

Enclosed please find a courtesy copy of the Memorandum of State of Wisconsin Regarding Defendant's Motion for Change of Venue. The original is being sent to you via U.S. mail. Please have your clerk file the original memorandum with the Clerk of Court's Office.

Hard Copy to Follow: Yes

Transmitted by: Michelle Moehn

IF YOU DO NOT RECEIVE ALL PAGES OR HAVE ANY PROBLEM WITH RECEIVING THIS TRANSMISSION, PLEASE CALL AS SOON AS POSSIBLE. 

FAX NUMBER: 

**CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE**
Kenneth R. Kratz, District Attorney

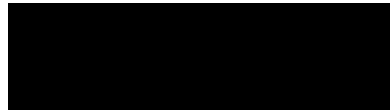
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



June 27, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court

SENT VIA FACSIMILE & U.S. MAIL



**Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381**

Dear Judge Willis:

Enclosed for filing please find the State's Response to Defendant's Motion to Dismiss (Pretrial Publicity).

Please feel free to contact my office with any questions or concerns.

Sincerely,

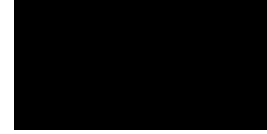
Kenneth R. Kratz
District Attorney

KRK:sbg
Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Norm Gahn
Attorney Tom Fallon

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



July 03, 2006

THE HONORABLE PATRICK L. WILLIS
MANITOWOC COUNTY, CIRCUIT COURT JUDGE



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381

Dear Judge Willis:

I received your letter dated June 26, 2006 setting forth the pretrial motion schedule, including which motions would be addressed on July 5th and July 19th. I informed defense counsel last week that Anthony O'Neill, from the Marinette County Sheriff's Department, was unavailable to provide testimony regarding the defense motion to suppress statement, currently scheduled for July 19th. Detective O'Neill is available on July 5th, and therefore, I have asked him to be at the Manitowoc County Courthouse at 1:00 p.m. on July 5th so that the Court may accept his testimony. I anticipate that the balance of that motion (other witnesses and argument) will be addressed on July 19th.

I hope this accommodation for Detective O'Neill fits within the Court's schedule, and it should allow a complete record to be made on that particular motion.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK:lmc

cc: Attorney Dean Strang
Attorney Jerome F. Buting
Attorney Thomas J. Fallon
Attorney Norm Gahn

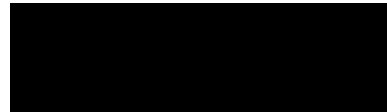
CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



July 11, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381

Dear Judge Willis:

Per your facsimile received on July 11, 2006, we have forwarded to Manitowoc County Circuit Court a redacted copy of the State's Motion in Limine (Series I) filed July 11, 2006.

The State has no objections to this Manitowoc County Order. Please feel free to contact our office with any questions or concerns.

Sincerely,

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

KRK:sgb
cc: Attorney Dean Strang

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



July 17, 2006

The Honorable Patrick L. Willis
urt



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381

Dear Judge Willis:

Per your letter of July 12, 2006 enclosed please find the redacted copy of the State's Motion in Limine. The State is providing a copy via facsimile, and an original which will be sent via U.S. Mail.

Please feel free to contact our office with any questions or concerns.

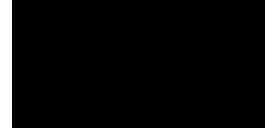
Sincerely,

Kenneth R. Kratz
District Attorney

KRK:sbg
Enclosure

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



July 17, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court

SENT VIA FACSIMILE & U.S. MAIL



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Enclosed please find the State's Response to Motion to Suppress Statements to News Reporters on Sixth Amendment Grounds in the above referenced case.

Please feel free to contact me with any questions or concerns.

Sincerely,

Thomas J. Fallon
Assistant Attorney General
Wisconsin Dept. of Justice
Special Prosecutor

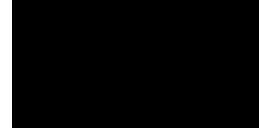
Kenneth R. Kratz
Calumet County District Attorney
Special Prosecutor

KRK:sbg
Enclosure

**CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE**

Kenneth R. Kratz, District Attorney

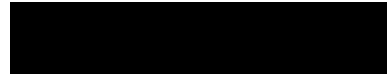
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



July 21, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse

SENT VIA FACSIMILE & U.S. MAIL



**Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381**

Dear Judge Willis:

Enclosed for filing, please find the Memorandum of State of Wisconsin Regarding Defendant's Motion for Change of Venue.

Please feel free to contact me with any questions or concerns. Thank you for your attention to this matter.

Sincerely,

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

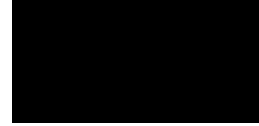
KRK:mlm

Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn

**CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE**
Kenneth R. Kratz, District Attorney

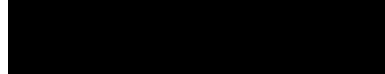
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



July 26, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse

SENT VIA FACSIMILE & U.S. MAIL



**Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381**

Dear Judge Willis:

Enclosed for filing, please find the State of Wisconsin's Supplementary Memorandum in Support of Other Acts Evidence.

Please feel free to contact me with any questions or concerns. Thank you for your attention to this matter.

Sincerely,

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

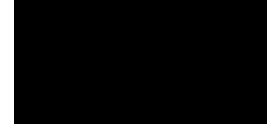
KRK:mlm

Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

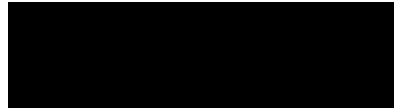
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



August 08, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court

[FILED UNDER SEAL]



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381

Dear Judge Willis:

Last week, you wrote requesting additional specificity as to the State's Other Acts Motion, and indicated in our August 2, 2006 phone conference, that you wished some additional details as to statements found in paragraph number six of the State's Motion in Limine. All of these matters are subject to the Court's having "sealed" these items for consideration.

I intend to file with the Court, under seal, information requested in your correspondence at tomorrow's hearing (August 9, 2006). I suspect you will offer the defense an opportunity to respond, if for no other reason than to complete the record. I anticipate a written decision on our Other Acts Motions and sealed Motion in Limine sometime appropriately before trial.

If this scheduling understanding is inconsistent with the Court's thinking, I would appreciate further clarification in that regard. I am sending this letter by facsimile, prior to our scheduled 4:00 p.m. phone conference to receive that direction, if necessary.

Thank you again for your continued consideration of these matters, and I will speak with you and counsel at 4:00 p.m. this afternoon.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK:sbg

Cc: Asst. Attorney General Tom Fallon
Asst. District Attorney Norm Gahn
Attorney Dean Strang
Attorney Jerome Buting

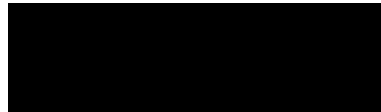
CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



October 13, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Enclosed for filing, please find the original State's Supplemental Demand for Discovery and Inspection. A copy is being forwarded to defense counsel.

Please feel free to contact me with any questions or concerns.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK:mlm

Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



December 1, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse

SENT VIA FACSIMILE & U.S. MAIL



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Enclosed for filing "under seal," please find the State of Wisconsin's Memorandum regarding motions in limine filed by the State and the defense. Specifically, the memorandum addresses the defense request to allow the introduction of evidence of the defendant's "wrongful conviction;" the State has filed a Motion in Limine seeking to prohibit introduction of said evidence. The memorandum also addresses the State's request to introduce statements made by the defendant to incarcerated individuals.

Although filed under seal, these matters will become part of the record upon the Court rendering its decision.

Sincerely,

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

KRK:mlm

Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn

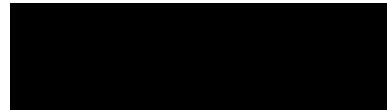
CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



December 04, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court



[FILED UNDER SEAL]
Sent Via Facsimile & U.S. Mail

Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381

Dear Judge Willis:

Enclosed please find the State's Memorandum Regarding Motions in Limine (wrongful conviction and inmate statements), to be filed under seal, for the court's consideration. Mr. Strang was kind enough to indicate he had no objection to this being filed today, rather than last Friday.

Thank you for your attention to this matter.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK:sbg

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Thomas Fallon
Asst. D. A. Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

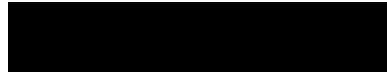
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



December 8, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse

SENT VIA FACSIMILE & U.S. MAIL



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Enclosed for filing, please find the proposed stipulation of the parties regarding the above-captioned matter. These stipulations include matters identified to the Court previously. There may be additional stipulations prior to or at trial, which will be placed on the record, orally or in writing, as needed.

Assuming the Court approves the proposed stipulations, they can be placed on the record at the next available court date.

Sincerely,

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

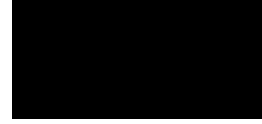
KRK:mlm

Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



December 8, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



SENT VIA FACSIMILE & U.S. MAIL

FILED UNDER SEAL

Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

On December 6, 2006, Attorney Strang and Buting “hand-delivered” a motion to allow access to a prior court file. The motion, and supporting materials, contains potentially prejudicial information; that is, that would tend to influence or contaminate the possible jury pool in this case.

It appears that the defense has had access to this information since at least August 2006, based upon their filings. This Court has previously ordered correspondence filed with the Court to be “sealed” until the Court determines its significance and/or prejudicial effect.

Given the timing of the filing of this motion and supporting information (publicly filed), and given the potential for prejudice, the State is requesting that the Court order this motion be “sealed” until a conference call can be held to determine when the merits of said motion will be addressed.

I would further ask that an immediate conference call be scheduled, including all attorneys and the Court, to discuss these matters. As an aside, this motion was not served on Assistant District Norm Gahn, serving as special prosecutor, that the defense by now should be aware has assumed responsibility of blood, DNA or other related evidence for the state.

The Honorable Patrick Willis
December 8, 2006
Page -2-

I understand that Judge Willis is not at the Manitowoc County Courthouse on today's date, and therefore am providing copy of this correspondence to the Manitowoc County Clerk of Court, who will hopefully receive direction from Judge Willis as to the motion's filing or release status.

Sincerely,

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

KRK:mlm
Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn
Manitowoc County Clerk of Court

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



December 15, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381

Dear Judge Willis:

Enclosed please find a letter which was sent to counsel on today's date regarding the above-referenced case. Please note that the letter includes the State's witnesses for our case in chief. I suspect you wish to include this in the court file.

Please feel free to contact me with any questions.

Sincerely,

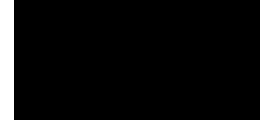
Kenneth R. Kratz
District Attorney

KRK:sbg

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Thomas Fallon
Attorney Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



December 22, 2006

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse

SENT VIA FACSIMILE & U.S. MAIL



Re: In the Matter of the Subpoena to: Laura Ricciardi and Synthesis Films, LLC

Dear Judge Willis:

Enclosed for filing, please find the State's Response to Attorney Dvorak's Memorandum in Support of Motion to Quash Subpoena.

Please feel free to contact me with any questions or concerns. Thank you for your attention to this matter.

Sincerely,

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

KRK:mlm
Enclosure
cc: Attorney Robert Dvorak

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



January 16, 2007

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse

SENT VIA FACSIMILE & U.S. MAIL



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Please be advised that the prosecutors have reviewed the defense response on the admissibility of the blood vial evidence. We intend to file a reply. We hope to have the reply filed by the close of business today. In any event, it will be filed no later than tomorrow morning.

In addition, please find enclosed the State's Demand for Compliance With Discovery Requests.

If you have any questions or need additional information, please feel free to contact me.

Sincerely,

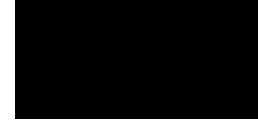
Kenneth R. Kratz
Calumet County District Attorney
Manitowoc County Special Prosecutor

KRK:mlm

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



January 24, 2007

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



SENT VIA FACSIMILE & U.S. MAIL

FILED UNDER SEAL

Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

I indicated to you last week that the state had set Monday, January 22, as a deadline for the Brendan Dassey defense team to consider our most recent plea offer in his case. That decision was important in the above-referenced case, as all parties recognized the danger in calling Mr. Dassey as a witness without first obtaining assurances from his assigned counsel as to his Fifth Amendment rights against self-incrimination.

On today's date, January 24, 2007, I received written correspondence from Attorney Mark Fremgen, wherein Mr. Dassey indicates his unwillingness to resolve his case with a plea, and recognizes that January 22 was the deadline set by the state. That letter is attached to this correspondence.

I had asked Mr. Fremgen to include a statement regarding Mr. Dassey's intent, if called as a witness in the Avery trial, as to invocation of Fifth Amendment privileges; Mr. Dassey intends to invoke his Fifth Amendment right against self-incrimination. I also asked Mr. Fremgen to comment as to Mr. Dassey's intent, if called and granted use immunity by the court; Mr. Dassey apparently intends to testify in the Avery trial if granted use immunity.

The state, therefore, has several options available to it regarding Mr. Dassey's testimony. The state has conceded that two of the current charges filed against Mr. Avery (the sexual assault and kidnapping counts) would necessarily need to be dismissed, or severed from the original Information, should Mr. Dassey not testify in the state's case in chief. In other words, the state agrees that it could not ethically proceed to trial at this time, against Mr. Avery, on the sexual assault and kidnapping charges, if our intent was not to call Brendan Dassey as a witness.

The state could, of course, proceed with all six counts against Mr. Avery, should we intend to call Brendan Dassey, and request the court grant Dassey "use immunity" as outlined in a statement of intent filed with the court early in these proceedings.

The Honorable Patrick Willis
January 24, 2007
Page -2-

The state would also have the option of reserving Mr. Dassey's testimony for "rebuttal purposes," should that become necessary, depending upon the defense offered by Mr. Avery. Consistent with this approach, the state would once again direct that use immunity be granted to Mr. Dassey, should that rebuttal testimony become necessary.

I wanted to provide this correspondence to the court, and opposing counsel, as soon as I received it, and therefore am providing it at this time. I asking that this correspondence remain "sealed" as it involves evidence which may or may not be introduced, and may influence potential jurors if released to the public. I am also quite certain that the state is not required to publicly disclose what witnesses it intends to call at trial, other than for the court and counsel's information on how to prepare.

Although plea negotiations are ongoing with Mr. Dassey's attorneys (with discussions continuing as recently as this morning), the state's inclination is to ask the court dismiss (rather than sever) the sexual assault and kidnapping charge against Mr. Avery. We intend to bring that formal motion, as requested by the court, on February 2, 2007. I alert the court and counsel to the state's intent at this time as a matter of professional courtesy.

Although I'm quite certain the state could have proceeded with the sexual assault and kidnapping counts, calling Mr. Dassey in the state's case in chief, should Mr. Dassey's position upon a grant of use immunity change between now and trial (which is by no means out of the realm of possibility), the court may be faced with a difficult decision as to whether it could proceed, even with curative instructions; I do not wish to place the court in that position unnecessarily. Obviously, if Mr. Dassey's decision on plea negotiations materially changes the state's position between now and February 2, I will alert the court and counsel immediately.

I hope this assists the court and counsel in its trial preparation. As promised, I have alerted all parties as soon as the information became available to me.

This matter will be made part of the official court record on February 2, 2007, when the danger of unfair pretrial publicity is reduced.

Sincerely,

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

KRK:mlm

Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Tom Fallon
Attorney Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



January 29, 2007

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse

SENT VIA FACSIMILE



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Per your request I made contact this afternoon with State Trooper Tim Austin, the individual who created the "computer models" for the above captioned trial. He will make himself available to provide information to the court as to the admissibility of the demonstrative evidence on Friday February 2nd; he is, however, unavailable to appear in person, as he has a long-standing obligation in another county.

Trooper Austin has asked that he be allowed to provide testimony via telephone. I believe that whatever information is required by the court to determine admissibility will be gathered through telephonic means. Trooper Austin has assured me that the court, and counsel, will have all images and computer "animations" at the hearing on Friday.

I am writing the court for authorization for Trooper Austin's telephonic appearance; given the very short notice, I believe this request to be reasonable under the circumstances. Please be so kind as to reply at your earliest convenience, so that specific arrangements can be made with Trooper Austin to provide his testimony.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

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

KRK:lmc
Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting

**CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE**

Kenneth R. Kratz, District Attorney

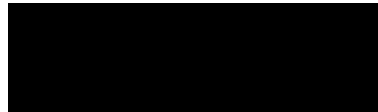
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



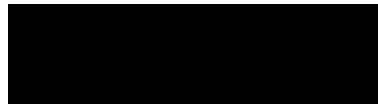
January 31, 2007

VIA FAX TRANSMITTAL AND U.S. MAIL

The Honorable Patrick L. Willis
Manitowoc County Circuit Court



The Honorable Jerome Fox
Manitowoc County Circuit Court



**Re: State of Wisconsin vs. Steven A. Avery
Case Nos. 05-CF-381 and 85-FE-118**

Dear Judge Willis and Judge Fox:

Enclosed please find the State's Notice of Motion and Motion for Release of Blood Vial Evidence and Blood Spot Cards for Scientific Testing.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Kenneth R. Kratz
Manitowoc County Special Prosecutor

KRK:lmc
cc: Attorney Dean Strang
Attorney Jerome Buting
Tom Fallon
Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

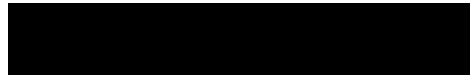
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



February 01, 2007

VIA FAX TRANSMITTAL ONLY

The Honorable Patrick L. Willis
Circuit Court Judge
Manitowoc County Courthouse



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381

Dear Judge Willis:

After requesting authorization on January 29, 2007 for State Trooper Tim Austin's telephonic testimony on Friday, I was able to complete correspondence with defense attorney Dean Strang regarding that issue. Mr. Strang has agreed to allow Trooper Austin to appear telephonically at the Final Pre-trial hearing scheduled for Friday, February 2, 2007 at 1:00 p.m.

I have received from Trooper Austin handout materials, including computer images generated and the "computer animations" that the State contemplates offering at trial. I will bring a projector with me to court, allowing the parties and court to discuss the demonstrative exhibits generally; it does seem obvious, however, that the final decisions on admissibility will need to be reserved for the trial itself, depending on the surrounding circumstances, and purposes for their use. I believe Attorney Strang agrees with my assessment of the posture of these motions.

As I indicated to the court at our last meeting, other demonstrative evidence will be offered throughout this trial, which may include summary exhibits, and exhibits created to assist witnesses in explaining technical or high volume material. We may be able to discuss those matters generally, as we have done previously, and I may bring along examples should the court wish to discuss them.

I predict that evidentiary disputes will arise throughout the trial, as in any other jury trial, and that the parties will attempt to anticipate areas of dispute so as not delay the proceedings themselves.

As always, thank you for your attention to these matters and allow me to thank Attorney Strang for his professional courtesy.

Sincerely,

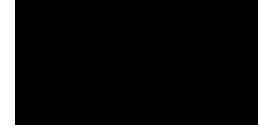
Kenneth R. Kratz
District Attorney

KRK/ab

cc: Attorney Dean Strang
Attorney Jerome Buting

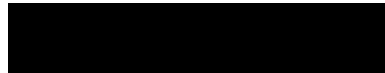
CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



February 9, 2007

The Honorable Patrick L. Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



SENT VIA E-MAIL & U.S. MAIL

FILED UNDER SEAL

Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

On Thursday, November 16, 2006, the State became aware of a potential problem Attorneys Strang and Buting were having in communicating with their client, Steven Avery. The state was advised that Attorneys Strang and Buting were deliberately keeping information from their client and not discussing certain tactical and strategy issues with Mr. Avery. They feared he would repeat those conversations and pass on some of the information learned during those conversations to family members and friends in phone calls to them. As the court, counsel and Mr. Avery know, these calls are being recorded and monitored by the Calumet County Sheriff's Office pursuant to standard policy and procedure. One example of this might well be the decision by counsel this past August not to have discussed with Mr. Avery his right to take the stand in his own behalf during the motion to suppress his statement to Detective Anthony O'Neill of the Marinette County Sheriff's Office or to establish his "standing" to challenge the search of the salvage yard. It is not until the state asked for a colloquy with the defendant did this consultation occur.

These concerns were first brought to the attention of the court by the state during the December 20 status conference held in Chilton, Wisconsin. At that time, all parties agreed a record should be made regarding these communication difficulties. However the press of pre-trial business on that day and since, most notably the dispute over the admissibility of the blood vial and third party liability evidence, occupied the time of court and counsel. During the recent motion hearings and off-the-record pre-trial discussions, Attorneys Strang and Buting changed their view that a record was needed reflecting these difficulties. The state, however, disagrees.

Ordinarily, the relationship between a defendant and his attorney and the manner in which they communicate is of no concern to the state. Sometimes, it is. Sometimes a breakdown in communication can lead to a reversal of a conviction based upon a claim of ineffective assistance of counsel. For example, the case of *State v. Ludwig*, 124 Wis. 2d 600, 369 N.W.2d 722 (1985), defense counsel failed to fully communicate a plea offer to his client the morning of trial and,

even though there was no error or misdeed attributed to the state, the conviction was nonetheless reversed.

Here, the state is similarly concerned by the prospect of an ineffective assistance of counsel claim if Mr. Avery is convicted. Attorneys Strang and Buting stated that they made a conscious decision not to fully discuss certain issues and strategy decisions with Mr. Avery. I believe these may include discussions regarding the evaluation of evidence, certain defense strategies in attacking the state's evidence and whether to take the witness stand in certain pre-trial proceedings. What is of particular concern is that the defendant does not know what has been kept from him; albeit and presumably for his own good.

The state requests that an *in camera* hearing and record be made prior to trial during which defense counsel would be asked to acknowledge the current state of affairs with regard to communications with Mr. Avery. Undersigned counsel is mindful that such an inquiry broaches the domain of the attorney/client privilege. Only once before in 25 years of criminal trial practice has an issue similar to this occurred. However, the state believes an inquiry is needed to both protect the defendant's Sixth Amendment right to the effective assistance of counsel and also to protect the state's interest in obtaining a fair trial; a trial not subject to a reversal through no error or wrongdoing of the state.

During this hearing, counsel should describe generally what types of information and/or matters and the like have not been discussed or at least not fully discussed with Mr. Avery that counsel would ordinarily discuss with any other client. Further, it would benefit the record if counsel would state the specific reasons why these matters were not and have not been fully discussed with Mr. Avery. Presumably, the reasons would include Mr. Avery's many phone calls to family and friends during which he discussed his case and disclosed confidential information.

In addition, counsel should advise the court and Mr. Avery that these decisions, including the decision to withhold certain information, were made in the best interests of representing Mr. Avery.

Once this record is made and Mr. Avery is fully informed of the current state of affairs, the court should inquire of Mr. Avery whether he understands what has occurred and accepts these decisions on his behalf. Even if Mr. Avery does not like the decision that was made, the record should reflect that he at least understands what has happened, why it has happened and accepts that these decisions have been made in his best interests. If Mr. Avery does not accept and agree to the current arrangement, the court and the state should know this before the jury is sworn; *i.e.*, before jeopardy attaches and the trial begins.

Sincerely,

Thomas Fallon
Manitowoc County Special Prosecutor

TF:mlm
Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



April 03, 2007

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

On April 2, 2007, you asked the state to alert the court if any "other acts" were going to be argued by the state to the court at sentencing, or whether these acts should be considered by the pre-sentence writer in the preparation of the pre-sentence investigative report.

After discussing this issue with co-counsel, the state will not be arguing any "other acts" of Steven Avery, other than acts supported by previous criminal convictions. Furthermore, the state will not be asking the pre-sentence writer to include any other acts, again other than those supported by previous convictions.

The state understands the defendant's prior criminal history to include two burglaries, animal cruelty, and endangering safety offenses; obviously, the underlying facts of those convictions will be commented upon.

Thank you for your attention to this matter.

Sincerely,

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

KRK:mlm

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Thomas Fallon
Attorney Norm Gahn

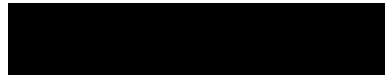
CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



April 9, 2007

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Enclosed please find a proposed Order to Release Trial Exhibits in the above-captioned matter. These exhibits are needed to introduce as evidence in the jury trial of State v. Brendan Dassey, Manitowoc County case number 06-CF-88.

If you have any questions or need additional information, please feel free to contact me. Thank you for your attention to this matter.

Sincerely,

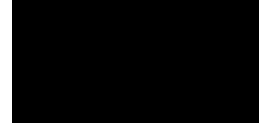
Kenneth R. Kratz
Calumet County District Attorney
Manitowoc County Special Prosecutor

KRK:mlm
Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Thomas Fallon
Attorney Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

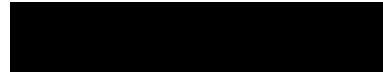
Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



April 30, 2007

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse

SENT VIA FACSIMILE & U.S. MAIL



Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Judge Willis:

Enclosed for filing please find the Order Revoking Bail in regard to the above-entitled matter.

Thank you for your attention to this matter.

Sincerely,

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

KRK:lmc
Enclosure

cc: Attorney Dean Strang
Attorney Jerome Buting
Manitowoc County Clerk of Court

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



May 16, 2007

The Honorable Patrick A. Willis
Circuit Court Judge
Manitowoc County Courthouse



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381-Halbach Victim Impact Statement

Dear Judge Willis:

Enclosed, please find the written Impact Statement of Mike Halbach (on behalf of the Halbach family), together with a videotape the family would ask the court consider at the time of sentencing. I am sending a copy of this material to the Pre-sentence writer, and defense counsel.

Sincerely,

Kenneth R. Kratz
District Attorney

KRK/ab

Enclosures

cc: Kay Czechanski, Department of Corrections
Attorney Dean Strang-Lead Counsel
Attorney Jerome Buting (w/o videotape)
Attorney Thomas Fallon (w/o videotape)
Attorney Norm Gahn (w/o videotape)

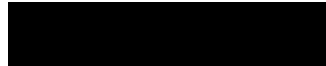
CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



May 21, 2007

The Honorable Patrick Willis
Circuit Court Judge, Branch I
Manitowoc County Courthouse



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381 Post Verdict Motions

Dear Judge Willis:

Attached, please find the State's written response as to issue one (inconsistent verdicts). As noted in our response, the State intends to argue that the balance of motions submitted by the defense should be reserved for post-conviction proceedings and direct appeal, and should not be ruled upon at this time. Alternatively, the State intends to primarily rely upon its previous written and oral argument, and request the court reaffirm its previous rulings as to issues (2-7).

I will file the "original" written response with the court at tomorrow's hearing.

Sincerely,

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

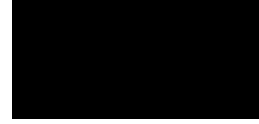
KRK/ab

Enclosures

cc: Attorney Dean Strang
Attorney Jerome Buting
Attorney Thomas Fallon
Attorney Norm Gahn

CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Llonda K. Thomas
Victim/Witness Assistance Coordinators



June 15, 2009

The Honorable Patrick L. Willis
Circuit Court Judge
Manitowoc County Circuit Court



Re: State of Wisconsin vs. Steven A. Avery
Case No. 05-CF-381

Dear Judge Willis:

On June 12, 2009, you asked for the State's position regarding the defense request to file a post-conviction motion "under seal." Defense counsel indicates that the motion will involve a "claim involving jurors" and due to the sensitive nature of the claim believes the motion is appropriately filed under seal.

The State is in a poor position to predict what issue the defense intends to raise regarding a juror, and therefore will only respond generally as to post-conviction motions under seal. The State reminds the court that criminal cases generally, and the Steven Avery case specifically, requires transparency in the process and merits, and therefore generally post-conviction motions are not appropriately filed under seal.

The State suggests that if the issue is identification of a juror, defense counsel can identify the juror either by number or by initials, to avoid any sensitivity concern with the juror. Should the State be provided with a more specific offer of proof, a more detailed response may be provided to the court.

Sincerely,

Kenneth R. Kratz
District Attorney, Lead Prosecutor

KRK/ab

cc: Attorney Suzanne Hagopian
Attorney Martha Askins
Attorney Thomas Fallon