

STATE OF WISCONSIN,

Plaintiff,

v.

STEVEN A. AVERY,

Defendant.

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

APR 4 2007

CLERK OF CIRCUIT COURT

Case No. 2005-CF-381

**ORDER ON PRESERVATION OF BLOOD EVIDENCE
AND INDEPENDENT DEFENSE TESTING**

On motion of the defendant, Steven A. Avery, the Court having heard the arguments of defense counsel and considered the statement of special prosecutor Norm Gahn that the State does not oppose the defendant's motion,

IT IS HEREBY ORDERED

1. That the State shall preserve indefinitely, until further order of this Court, all bloodstains that the State believes contain Steven Avery's DNA and that were found in or on Teresa Halbach's vehicle, in a condition suitable for further scientific testing;

2. That the State shall preserve indefinitely, until further order of this Court, all swabs or other collected samples of bloodstains that the State contends

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contain Steven Avery's DNA and that were collected from areas in or on Teresa Halbach's vehicle, in a condition suitable for further scientific testing;

3. That the State shall preserve indefinitely, until further order of this Court, portions of all items submitted by the State to the FBI Laboratory in Quantico, Virginia, for the purpose of testing related to the presence or absence of EDTA. Such portions of these items shall be adequate in size and quality, if possible, to permit independent scientific testing by the defense and shall be maintained by the State in a condition suitable for further scientific testing;

4. That the defendant, Steven A. Avery, or any lawyer representing him, may at any time submit the bloodstains, swabs, and items described in paragraphs 1 through 3 above to any laboratory or person the defense may choose for independent scientific testing pursuant to WIS. STAT. § 971.23(5), without further order of this Court. For purposes of illustration, not limitation, this paragraph expressly contemplates independent defense testing before verdict, after verdict, before sentencing, after sentencing, during state or federal post-conviction proceedings (if any), or after any such post-conviction proceedings; and

5. For purposes of facilitating the relief allowed in paragraph 4 above and without further order of a judge or court, the State shall transfer without delay to a laboratory or scientist designated by the defense any or all of the materials described

in paragraphs 1 through 3 above as necessary to permit the defense to undertake independent scientific testing. Upon completion of such testing, the defendant or his counsel shall return promptly to the State any remaining materials not consumed in testing, for further safekeeping pursuant to this order. The defendant and his counsel also shall cooperate with the State's reasonable requests in documenting chain of custody of any items released and transferred for independent scientific testing.

SO ORDERED.

Patrick L. Willis
Dated at ~~Chilton~~, Wisconsin, April 4~~th~~, 2007.

BY THE COURT:

Patrick L. Willis

Hon. Patrick L. Willis
Judge,
Manitowoc County Circuit Court