

1 STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY  
2 BRANCH 1

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3 STATE OF WISCONSIN,

4 PLAINTIFF, ARRAIGNMENT & MOTIONS

5 vs. Case No. 05 CF 381

6 STEVEN A. AVERY,

7 DEFENDANT.

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8 **DATE:** MAY 3, 2006

9 **BEFORE:** Hon. Patrick L. Willis  
10 Circuit Court Judge

11 **APPEARANCES:** KENNETH R. KRATZ  
12 Special Prosecutor  
On behalf of the State of Wisconsin.

13 THOMAS J. FALLON  
14 Special Prosecutor  
On behalf of the State of Wisconsin.

15 NORMAN A. GAHN  
16 Special Prosecutor  
On behalf of the State of Wisconsin.

17 DEAN A. STRANG  
18 Attorney at Law  
On behalf of the Defendant.

19 JEROME F. BUTING  
20 Attorney at Law  
On behalf of the Defendant.

21 STEVEN A. AVERY  
22 Defendant  
Appeared in person.

23 **TRANSCRIPT OF PROCEEDINGS**

24 Reported by Diane Tesheneck, RPR

25 Official Court Reporter

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WITNESSES

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1 THE COURT: At this time the Court calls  
2 State of Wisconsin vs. Steven Avery. This is Case  
3 No. 05 CF 381. We're here this morning for an  
4 arraignment on the Amended Information in this case  
5 and also to hear a couple motions that have been  
6 filed by the defense. Will the parties state their  
7 appearances for the record, please.

8 ATTORNEY KRATZ: State of Wisconsin appears  
9 by Calumet County District Attorney Ken Kratz  
10 appearing as Special Prosecutor. Also appearing is  
11 Tom Fallon from the Department of Justice.

12 ATTORNEY STRANG: Good morning. Steve  
13 Avery is here and in custody, your Honor. Dean  
14 Strang and Jerome Buting appearing on his behalf.

15 THE COURT: All right. The Court will  
16 first take up the arraignment on the Amended  
17 Information. Has the defense -- I believe the  
18 defense has previously received a copy of the  
19 Amended Information, but I would like to confirm  
20 that at this time.

21 ATTORNEY STRANG: That is confirmed.

22 THE COURT: And, Mr. Strang, do I  
23 understand that, before proceeding to take a plea,  
24 the defense had a motion regarding the Information?

25 ATTORNEY STRANG: Your Honor, the defense

1 does. I confine my remarks to the three new counts  
2 in the Amended Complaint and then reiterated or  
3 replied in the Amended Information; that is, first  
4 degree sexual assault, the kidnapping and false  
5 imprisonment. As to those three counts, the Amended  
6 Complaint demonstrated no probable cause and  
7 therefore that Amended Complaint established no  
8 personal jurisdiction. I moved to dismiss it, the  
9 Court denied the motion. I renew the motion here  
10 now, understanding that the Court has ruled.

11 We then requested a preliminary  
12 examination on the three new counts, all three of  
13 them felonies. We were not afforded the  
14 preliminary examination. I object to that.  
15 Further, I move to dismiss the Amended  
16 Information because there is no personal  
17 jurisdiction over Mr. Avery as to the three new  
18 counts. So the three new counts in the Amended  
19 Information I move to dismiss on personal  
20 jurisdiction grounds.

21 THE COURT: All right. Mr. Kratz, is there  
22 anything further from the State with respect to that  
23 motion?

24 ATTORNEY KRATZ: No, Judge, the Court has  
25 already ruled, as Mr. Strang has indicated, and

1 we'll rely upon our argument on the previous  
2 findings of the Court.

3 THE COURT: All right. For reasons  
4 previously stated by the Court, the Court will deny  
5 the defense motion. The Clerk's Office informed me  
6 that there had been an interlocutory appeal filed on  
7 behalf of the defense today. I have not seen it,  
8 but I assume that the rationale for the defense  
9 motion is the subject of that appeal. But for  
10 purposes of the hearing today, the Court will deny  
11 the defense's motion to dismiss.

12 I should also note, with respect to the  
13 Amended Information, while it adds three new  
14 counts as Counts 4, 5, and 6, I believe it also  
15 amends Counts 1 and 2 to allege party to the  
16 crime, rather than the simple offense in the  
17 original Complaint.

18 Mr. Strang, to those new charges, is the  
19 defendant prepared to enter a plea this morning?

20 ATTORNEY STRANG: The defendant stands  
21 silent.

22 THE COURT: Okay. Very well. Based on the  
23 defendant standing mute, the Court will infer a  
24 plea, on the defendant's behalf, of not guilty to  
25 each of the six charges in the Amended Information.

1                   Now, the Court has also received, and  
2                   agreed to hear today, a motion on behalf of the  
3                   defendant to extend the deadline for filing  
4                   motions in this case and also a motion to adjourn  
5                   the trial. The motion itself contains some  
6                   argument in support of those requests.

7                   Mr. Strang, does the defense have anything in  
8                   addition to add at this time?

9                   ATTORNEY STRANG: Your Honor, the time  
10                  that's intervened since I have filed this motion to  
11                  extend, not quite two weeks ago I guess, hasn't  
12                  diminished in any way the basis for the motion. I  
13                  still seek the relief that I have requested, namely  
14                  a motion filing deadline applicable to both parties,  
15                  on or before June 16; scheduling of a motion hearing  
16                  at the convenience of the State, and the Halbach  
17                  family, and the Court, and defense counsel; and a  
18                  trial in 2007, some time after the holidays and  
19                  accommodating holiday obligations of the Court, and  
20                  families, and counsel.

21                  We're now at about 5400 pages of  
22                  discovery, give or take. The most recent search  
23                  warrant executed by the State I think came the  
24                  day I filed this. I think it was April 21,  
25                  thereabouts. I have received a copy of at least

1 the hard drive of the principle evidence seized  
2 in that search warrant.

3 I'm informed by counsel this morning, as  
4 well, that within about 10 days, give or take,  
5 the State will be in a position to provide Crime  
6 Lab reports, relating to March 1 seizures, to the  
7 defense. So I note that if counsel's estimate is  
8 good, as I expect it is, that we would be getting  
9 the Crime Lab -- a large number of Crime Lab  
10 reports at about the time the provisional  
11 deadline for motions arrives, which is May 12, at  
12 the moment.

13 I think as a matter of efficiency, it  
14 makes sense here not -- or to try to avoid the  
15 piecemeal filing of motions. I realize others --  
16 that motions in limine will come much closer to a  
17 trial date. I realize as well that the State's  
18 investigation may be ongoing in this case, just  
19 as it is in almost any case. The State can't  
20 predict the course of future events any better  
21 than I can.

22 That said, I think it makes sense to  
23 acquire what we have, that is, what the State  
24 has, look at it and file some, as far as  
25 possible, one round of motions. June 16 ought

1 enable the defense to do that. It is a tight  
2 timeline. This is not an issue on which I have  
3 asked for a mile hoping to get a half mile, that  
4 is not my style, or my practice, in any event.

5 I think June 16 is the minimum amount of  
6 time I reasonably need, with Mr. Buting, to meet  
7 my obligations to Mr. Avery under the 6th  
8 Amendment. I ask the Court to do that, as well.  
9 I think the September 5 trial date will not work,  
10 will not afford justice to the people of  
11 Wisconsin, or to the man whose liberty here is at  
12 stake for the rest of his life and will not  
13 assure that this Court sees counsel perform as  
14 the 6th Amendment and this Court demand. So I  
15 stand on the earlier requests, I don't need to  
16 reiterate what I provided in writing. But that's  
17 what I can add.

18 THE COURT: And I understand, along with  
19 the requesting that the motion filing deadline be  
20 extended to that point, that the defendant is asking  
21 to have June 16 as a deadline to notify the Court  
22 whether or not the defendant wishes to pursue a  
23 change of venue motion as well.

24 ATTORNEY STRANG: Yes. And I would propose  
25 to be bound by that. You know, at this point I have



1 straddled, in a sense. I have said, and because  
2 it's true, that the defense continues to prefer a  
3 Manitowoc County jury, if we can get an impartial  
4 jury from this county. I recognize the practical  
5 obstacles to that.

6 I also appreciate that the Court and  
7 the Clerk of Court have a good deal of  
8 administrative work to do if venue is to be  
9 changed. In balancing all that, it strikes me as  
10 fair that the defense take a final position on  
11 that issue. And I see no reason not to couple  
12 that with the motion deadline, if the Court will  
13 indulge our scheduling needs in that respect.

14 THE COURT: All right. Mr. Kratz.

15 ATTORNEY KRATZ: Thank you, Judge. I have  
16 several points. First, this Court, on the issue of  
17 motion extension, I believe necessarily needs to  
18 address the trial date issue first. In granting  
19 relief to the defense for moving the trial date past  
20 the current September 5th date, the Court very well  
21 may then wish to similarly extend the motion date.

22 And let me just tell the Court that,  
23 should the Court be moving the trial date, I  
24 don't have any objection to Mr. Strang's request  
25 that the motions themselves be put off for an

1 additional five weeks or so. As to the trial  
2 date, the State does not necessarily object to  
3 the September 5th date being moved, at least in  
4 some some respect, given the Crime Lab analysis  
5 that has now been completed, at least now that --  
6 or what we have already submitted we believe is  
7 completed.

8 Mr. Strang is correct that we can't  
9 predict if there is going to be additional work  
10 in the future, but at least that what has been  
11 submitted has been completed. The reports are to  
12 be forwarded do Mr. Strang in the near future.

13 In considering a motion for adjournment  
14 of the trial date, this Court is required to  
15 consider the position not only of the parties,  
16 but also of the victim. Victim Rights, Section  
17 950.04 (1v)(a)requires this Court consider the  
18 victim's position. Victim in a homicide case  
19 extends to the surviving family members.

20 I can tell the Court that after  
21 explaining the realities of discovery, the  
22 realities of the effective assistance of counsel,  
23 that Mr. Avery is entitled, by Mr. Strang and  
24 Mr. Buting, that the family would not object to a  
25 continuance of the trial date past September 5th.

1 I'm also authorized by the family to extend their  
2 request that the trial date be finished as soon  
3 as this Court is able to realistically schedule  
4 that.

5 The State has suggested to this Court an  
6 October 16 start date, that is, jury selection to  
7 begin on the 16th. That would, with at least the  
8 timeline we have provided the Court, have us  
9 completed by, hopefully, the 17th of November,  
10 and certainly no later than the 22nd of Noember,  
11 which is before the Thanksgiving holiday.

12 That would be an extension of time, I  
13 believe sufficient, for those reasons set forth  
14 in Mr. Strang's arguments to the Court, as  
15 something certainly the State could be prepared  
16 for and could live with. And that is, in fact,  
17 my affirmative recommendation to the Court, that  
18 the trial date be then set as a firm date  
19 beginning October 16th, with motions then to be  
20 filed, both by Mr. Strang and myself, no later  
21 than the 16th of June.

22 THE COURT: Mr. Strang, anything with  
23 respect to the date of trial, should the Court grant  
24 your request to extend the trial date from the  
25 current September date?

1                   ATTORNEY STRANG:  October 16 surely would  
2                   be better than September 5, but I don't think it's  
3                   adequate.  It's better, but I think not sufficient.  
4                   Again, the defense proposed 2007 because that's what  
5                   we think is necessary to accommodate, for example,  
6                   defense testing, if we need to, once we have got the  
7                   Crime Lab results; to accommodate the exchange of  
8                   expert witnesses; and just to get through the mass  
9                   of discovery here and do the necessary defense  
10                  investigation.

11                  So, I don't want to sound inflexible.  
12                  Again, October 16 is better.  It's an improvement  
13                  on September 5.  It's not what I would prefer or  
14                  I think we need.

15                  THE COURT:  All right.  First of all, with  
16                  respect to the request to extend the motions  
17                  deadline, I think the information provided by the  
18                  defense in the motion gives a number of reasons why  
19                  an extension of the deadline for filing pretrial  
20                  motions is appropriate.

21                  The volume of discovery in this case is  
22                  significant.  And as I understand it, the  
23                  information that will be provided by the State to  
24                  the defense has not yet to be completed, although  
25                  it's expected to be completed in the near future.

1           The Court also recognizes that the case  
2           took somewhat of a different turn, if you will,  
3           by the filing of a Complaint against an alleged  
4           co-defendant. And the defense legitimately  
5           wishes to monitor media reports to assess its  
6           request for a chain of venue.

7           For all of those reasons, the Court  
8           believes that the request to extend the deadline  
9           for filing pretrial motions in this case is  
10          appropriate. I'm going to grant the defense  
11          motion to extend the deadline for filing pretrial  
12          motions in this case to June 16th of this year.

13          I will ask the parties to include  
14          written argument in support of any motion they  
15          file, with the filing of the motion. I will give  
16          the other party until June 26th to file any  
17          written response which they wish to file. And I  
18          would propose hearing the motions on Thursday,  
19          July 6th. Hopefully you have got your calendars  
20          with you.

21                 ATTORNEY KRATZ: I am not available on the  
22                 6th, Judge, in fact.

23                 THE COURT: What about the following week.

24                 ATTORNEY KRATZ: That is, I'm leaving on  
25                 the 6th, actually, to be out of the state until the

1 14th. I would be available on the fifth.

2 Certainly, the week before would work as well.

3 THE COURT: What about the defense?

4 ATTORNEY STRANG: The 5th is fine, the 6th  
5 is fine, the 10th is fine. The Court should  
6 accommodate Mr. Kratz's schedule here, so far as  
7 possible, in that we're the ones moving the motion  
8 deadline.

9 THE COURT: Mr. Kratz.

10 ATTORNEY KRATZ: The 5th should be fine.

11 THE COURT: All right. Let's set it for --  
12 What time on the 5th?

13 ATTORNEY STRANG: The sooner we can, it  
14 appears we would only have one day for that.

15 THE COURT: 9:30, 9:00?

16 ATTORNEY STRANG: I think 9:00 would be  
17 most prudent.

18 THE COURT: All right. Nine o'clock on  
19 July 5th. And I will hold the day for motions on  
20 that day.

21 ATTORNEY KRATZ: Judge, as we have informed  
22 the Court before, Mr. Strang and I will make every  
23 effort, before the 5th, to discuss motions to be  
24 filed. And if we can reach some stipulations, we'll  
25 certainly alert the Court of that on the 5th, or

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even before.

THE COURT: All right. Thank you.

Next, the Court will take up the defendant's motion to adjourn the trial date in this case. That request is based on a number of considerations that are set forth in the motion. One of them is -- relates to the effect of pretrial publicity. Needless to say, there has been a significant amount of pretrial publicity in this case. Though, I will note that the pace of media reports, at least, has slowed somewhat.

There have been no press conferences or direct communication from the defense attorney's to the media, recently. And the statements from both the victim's family and the defendant's family, to the press also, fortunately, have settled down somewhat.

In considering the request to adjourn the September trial date, I did take into consideration, and I am taking into consideration, all of the reasons offered by the defense for an adjournment. In that regard, the defense makes a number of supplemental requests: First that the Court rule on the defendant's motion of March 8 for an order limiting public

1 disclosure in this case.

2 In evaluating this request, I cannot  
3 help but note a reference in the defendant's  
4 motion to what purports to be exculpatory DNA  
5 evidence regarding one of the items that was  
6 seized in this case. I think the example of the  
7 reference in this to the pleadings demonstrates  
8 the difficulty of effectively keeping either side  
9 from conveying evidentiary information to the  
10 media even without direct communication.

11 The applicable rule that governs the  
12 attorneys in this case is SCR20 3.6. That rule  
13 provides in relevant part as follows: A lawyer  
14 shall not make an extra judicial statement that a  
15 reasonable person would expect to be disseminated  
16 by means of public communication. If the lawyer  
17 knows, or reasonably should know that it will  
18 have a substantial likelihood of materially  
19 prejudicing an adjudicative proceeding in the  
20 matter.

21 The rule goes on to provide that a  
22 statement referred to in Paragraph A ordinarily  
23 is likely to have such an effect when it refers  
24 to a criminal matter and the statement relates  
25 to, among other things, the results of any



1 examination or test, or the identity or nature of  
2 physical evidence expected to be presented.

3 So the reference in the pleading in this  
4 case, had it been directly communicated to the  
5 media, would have been within the prohibition of  
6 the rule. For that reason the reference in the  
7 motion was, at least technically, not in  
8 violation of the rule. However, in the Court's  
9 opinion, the reference was not really necessary  
10 to support the motion in this case. And it was  
11 placed in a pleading, which by now both parties  
12 are well aware the media regularly reviews in  
13 this case.

14 Therefore, the Court concludes it's  
15 somewhat disingenuous for the defense to ask this  
16 Court to impose a gag order on the attorneys, but  
17 disseminate information to the press indirectly  
18 through a pleading where it's inclusion, for  
19 argumentative purposes the Court believes is  
20 somewhat marginal.

21 My criticism in this regard is not  
22 limited to the most recent example in this  
23 pleading. I'm not at all sure that the press  
24 conference, that was held when the charges were  
25 filed against Mr. Dassey, was limited and

1           certainly could have an adverse affect on  
2           selecting a jury in this case.

3                       And I will note that when I listened to  
4           one of the press reports referring to the  
5           information contained in the defendant's motion,  
6           the news reporter reported that the State had no  
7           response at this time but would reserve the right  
8           to respond to the press at a later date.

9                       Mr. Kratz, I have no direct information  
10          of anything you told the media, but I will note  
11          that I don't believe within the context of rule  
12          that if that report was accurate that there could  
13          be a direct response to the press for something  
14          that was contained in a pleading.

15                      I'm not attempting here today really to  
16          jump down on either of you because I think each  
17          of you are trying to comply with the rules and  
18          allow an impartial jury to be selected. However,  
19          I think that the -- what's taken place here  
20          serves as an example that, even if the Court did  
21          issue a gag order in this case on the attorneys,  
22          it would not prove especially effective.

23                      So, since the Court has been requested  
24          to rule on the motion for an order limiting  
25          public disclosure I'm going to rule on that

1 motion at this time. And I'm going to deny the  
2 motion for a number of reasons. First, the  
3 granting of such a motion is highly unusual and  
4 difficult to police. The Court has not, in this  
5 case, seen behavior on either side so egregious  
6 that in the Court's opinion it warranted a gag  
7 order.

8 Secondly, the Court is satisfied, if the  
9 parties religiously adhere to please with SCR 20  
10 3.6 that rule will provide adequate safeguards in  
11 this case.

12 And third, as the reference in the  
13 defendant's pleading demonstrates, the Court is  
14 not really satisfied that issuing a gag order  
15 would provide the complete protection that the  
16 Court might hope to gain by issuing such an  
17 order. So I'm going to deny the defense motion  
18 for an order limiting public disclosure.

19 The defense also asked the Court  
20 strictly enforce SCR Chapter 61, as to the media.  
21 Actually, Mr. Strang, I wasn't exactly sure what  
22 you were driving at there. I haven't -- I  
23 reviewed SCR 61 again. I have not really noted  
24 in this case any violations by the media. I have  
25 been communicating with the media through the

1 media coordinator, and to the best of my  
2 knowledge they have complied with all my KR-SZ  
3 and I think were operating under SCR 61. Is  
4 there anything specific you had in mind?

5 ATTORNEY STRANG: The only ongoing problem  
6 of which I'm aware, it arises with streaming video  
7 on some of the -- at least one of the television  
8 websites -- and probably more than one, although I  
9 don't know that -- and that's -- that's with the  
10 camera running when your Honor is not on the bench.  
11 And that -- As I read Chapter 61, that is not  
12 allowed. I think that after the Court raised this,  
13 at the joint request of the parties, in March, I  
14 think that zooming in on either counsel table has  
15 stopped, at least I haven't noticed anything more  
16 like -- like that.

17 THE COURT: All right. I did, following  
18 our discussion, convey a written instruction to the  
19 media, through the media coordinator. I believe, to  
20 the best of my knowledge at this point, unless I  
21 receive a report otherwise that those instructions  
22 are being complied with.

23 The Court has also been requested to  
24 keep motions in limine, seeking admission or  
25 inclusion of sensitive evidence, filed under

1 seal. The motions in limine themselves, as noted  
2 by the parties, will be filed at a later date,  
3 closer to the trial.

4 But I do agree that motions by the  
5 parties that are due now by June 16th, which  
6 could include a motion from either party to admit  
7 other acts evidence, could prove prejudicial and  
8 make it more difficult to select a fair and  
9 impartial jury. So, I am going to order that any  
10 motions seeking other acts evidence, that are  
11 filed by June 16th, be filed under seal.

12 I ask the parties to differentiate those  
13 motions, put them in a separate document than  
14 your other motions. Include any written argument  
15 in favor of your request with the motion. And  
16 whether or not the Court releases them from being  
17 kept under seal, I will make that determination  
18 after I review them.

19 Mr. Kratz, is there anything you wish to  
20 raise regarding that?

21 ATTORNEY KRATZ: No, Judge, the other acts  
22 motion, we were just going to point out as  
23 Mr. Strang and I had discussed, and I believe it was  
24 outside of the Court's presence, that the concern is  
25 any motions that may require the Court to balance a

1 prejudicial effect versus probative value. Those  
2 wouldn't be limited to the character type evidence,  
3 or other acts evidence, but could include other  
4 kinds of motions in limine where we seek advance  
5 rulings of the Court where that analysis that is to  
6 be made. Those are the kinds of sensitive material  
7 and motions that perhaps the Court is already  
8 envisioning be filed outside of the public domain.  
9 And then the Court can rule on dissemination  
10 thereafter.

11 THE COURT: I know the parties have  
12 previously agreed to, informally at least, exchange  
13 motions with each other before they are filed and,  
14 certainly, I ask that do you that. If either of you  
15 have any motions you see are going to be filed by  
16 the other side that you file should also fall within  
17 the Court's order, we can conduct a telephone  
18 conference ahead of time. You can notify me of  
19 those ahead of time and I would make a  
20 determination.

21 The Court is also -- or the defense also  
22 asks the Court to reconsider the Court's motion  
23 denying modification of bail. I wouldn't take  
24 such action unless a formal motion was made to  
25 that effect. But I will simply state at this

1 time, I think I have addressed that issue  
2 previously on the record and I'm not aware of any  
3 information that would cause the Court to  
4 reconsider the decision that's already been made.

5 With those considerations in mind, the  
6 Court has been asked to adjourn the trial date.  
7 And with respect to the trial date, first of all,  
8 I agree and I don't really hear the State to be  
9 seriously disputing it, that an adjournment trial  
10 date from the early September date is called for  
11 in this case.

12 The case not only involves voluminous  
13 discovery, but there's been a second round of it  
14 related to a subsequent investigation by the  
15 State. I think the defense, which to this point  
16 hasn't received all of the lab results from the  
17 State, is entitled to adequate time in order to  
18 assess the results of the State's investigation,  
19 to evaluate those results, and to determine  
20 whether or not the defense wishes to conduct  
21 additional testing on it's own.

22 That takes time and that -- I believe  
23 the time that's required would be pushing it, at  
24 least if we stuck with the September trial date.  
25 I do feel that there are countervailing reasons

1 for holding the trial promptly. People's  
2 memories tend to fade, both parties are entitled  
3 to a trial that is held as soon as it can  
4 reasonably be held, giving the parties an  
5 opportunity to prepare.

6 I believe, in this case, it's most  
7 appropriate to adjourn the trial date in this  
8 case to Monday, October 16th. I believe that has  
9 a number of advantages. First of all, it -- that  
10 means it would take place more than five months  
11 from today. I think that would allow dissipation  
12 of any adverse publicity there might have taken  
13 place already.

14 It gives the party an adequate chance to  
15 prepare and yet it does not unduly delay the  
16 trial in this case. By starting it on  
17 October 16, I think it can be completed before  
18 the Thanksgiving holiday. And for those reasons  
19 I think that's an appropriate delay.

20 I haven't heard anything specific that  
21 would call on the Court to consider a delay  
22 longer than that. So I'm going to delay the  
23 start of trial until Monday, October 16th. Is  
24 there anything else that either party wishes the  
25 Court to take up this morning?



1                   ATTORNEY KRATZ: Mr. Strang, with that new  
2                   trial date, had previously discussed with me an  
3                   exchange of experts and a more detailed scheduling  
4                   order regarding some more detailed discovery  
5                   matters. May I suggest, Judge, that the Court allow  
6                   Mr. Strang and I to try to resolve those matters and  
7                   report to the Court, within our correspondence, by  
8                   June 16th, as to our discussion as to exchange of  
9                   experts, and the like, and other kinds of scheduling  
10                  matters, and then should we need acquiescence or  
11                  approval of the Court, that we can seek that  
12                  sometime after the 16th.

13                  THE COURT: All right. Mr. Strang.

14                  ATTORNEY STRANG: That makes sense. And I,  
15                  further, will take as implicit and consider myself  
16                  bound by a June 16 deadline for making a final  
17                  decision on change of venue.

18                  THE COURT: Yes.

19                  ATTORNEY STRANG: Barring something really  
20                  unforeseen happening.

21                  THE COURT: I meant to include that in your  
22                  order; yes, you can consider that included. And at  
23                  this point, I haven't specifically addressed an  
24                  additional scheduling order to deal with matters  
25                  before the trial. I certainly anticipate that there

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will be one.

I appreciate the fact that the attorneys will be talking with each other and attempt to present the Court with joint recommendations on dates, but there will be a date, for example, for filing motions in limine and that type of thing before the trial. Anything else this morning?

ATTORNEY KRATZ: Not by the State, Judge.

ATTORNEY STRANG: Nothing here either.

THE COURT: All right. If not, the Court will prepare an order reflecting the Court's decision this morning on the motions. And with that, we're adjourned for today.

ATTORNEY KRATZ: Thank you, Judge.

THE COURT: The Clerk just reminded me of something, the May 18 and 19 dates that had been held for hearing, the motions which were due on May 1st, the hearing on those dates are cancelled.

ATTORNEY KRATZ: Thank you, Judge.

ATTORNEY FALLON: Thank you.

(Proceedings concluded.)

1 STATE OF WISCONSIN )  
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2 COUNTY OF MANITOWOC )

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I, Diane Tesheneck, Official Court Reporter for Circuit Court Branch 1 and the State of Wisconsin, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully prepared by me with my computerized stenographic notes as taken by me in machine shorthand, and by computer-assisted transcription thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter to the best of my knowledge and ability.

Dated this [redacted] day of [redacted], 2006.

\_\_\_\_\_  
Diane Tesheneck, RPR  
Official Court Reporter

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