

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

STEVEN A. AVERY,

Defendant.

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

JUN 16 2006

CLERK OF CIRCUIT COURT Case No. 2005-CF-381

**DEFENDANT'S MOTION TO SUPPRESS STATEMENTS
TO MEDIA IN JAIL**

Steven A. Avery, by counsel, now moves to suppress all statements that he allegedly made to any member of the media during in-person interviews while in the Calumet County Jail. Those statements were made after Mr. Avery invoked his Sixth and Fourteenth Amendment right to counsel and his corresponding right to counsel under Article I, Section 7 of the Wisconsin Constitution. Because Mr. Avery did not list members of the media on his visitors list and because members of the media could not have interviewed Mr. Avery in jail without the state providing access to Mr. Avery for the purpose of facilitating interviews, media members acted as agents of the state when they interviewed Mr. Avery in person in the jail. The state therefore circumvented Mr. Avery's right to counsel under the Sixth and Fourteenth Amendments to the United States Constitution and under Article I, Section 7 of the Wisconsin Constitution.

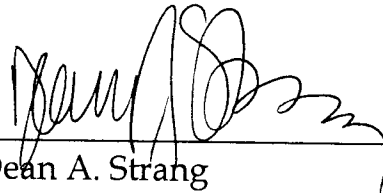
In support of his motion, Mr. Avery tenders the accompanying memorandum of law. He further requests an evidentiary hearing if the State opposes this motion. To be clear, Mr. Avery does not seek suppression of statements he made in telephone calls that he placed from the jail to members of the news media. This motion addresses only in-person interviews with the media in the jail.

WHEREFORE, Steven A. Avery requests an order suppressing his statements to any member of the media during in-person interviews in the Calumet County Jail and suppressing all direct or indirect products of such statements.

Dated at Madison, Wisconsin, June 15, 2006.

Respectfully submitted,

HURLEY, BURISH & STANTON, S.C.



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