

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2005-CF-381

STEVEN A. AVERY,

Defendant.

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

MAR 12 2007

CLERK OF CIRCUIT COURT

**DEFENDANT'S PROPOSED
JURY INSTRUCTIONS**

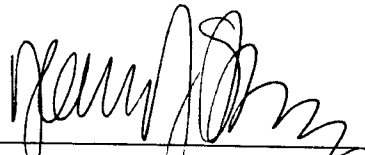
Steven A. Avery, by counsel, now proposes the following final jury instructions. He reserves the right to supplement, withdraw, or modify these requests as further developments during trial may warrant.

Dated at Madison, Wisconsin, March 10, 2007.

Respectfully submitted,

STEVEN A. AVERY, *Defendant*

HURLEY, BURISH & STANTON, S.C.



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DEFENDANT'S PROPOSED INSTRUCTION No. 8

Prior Inconsistent Sworn Statements

A witness at this trial, Lt. James Lenk, was shown to have made prior statements under oath that you may conclude are inconsistent with his sworn testimony here. You are entitled to consider both his prior sworn versions and his version at this trial for the truth of the matters asserted in those statements, if you wish, and also may consider prior inconsistent sworn statements as bearing on the credibility of this witness.

AUTHORITY:

Vogel v. State, 96 Wis. 2d 372, 291 N.W.2d 838 (1980); WIS. STAT. §§ 908.01(4)(a)1., 906.13; WIS. JI-CRIM. 320A.

Given _____

Denied _____

Withdrawn _____

Modified _____

DEFENDANT'S PROPOSED INSTRUCTION No. 9

Theory of Defense

The defendant, Steven Avery, has asserted that another person or persons tried to frame him for the murder of Teresa Halbach and the burning of her body. On any of the charges submitted to you, if you conclude that this assertion of innocence reasonably can be reconciled with all of the evidence, or if you simply remain with a reasonable doubt about Mr. Avery's guilt, you should find Mr. Avery not guilty of that charge.

AUTHORITY:

State v. Richardson, 210 Wis. 2d 694, 704-05, 563 N.W.2d 899, 902-03 (1997) (*Denny* "legitimate tendency" standard not applicable to frame-up defense); WIS. JI-CRIM. 700 (law note on theory of defense); *see also* WIS. JI-CRIM. 140 (reasonable hypothesis paragraph).

Given _____

Denied _____

Withdrawn _____

Modified _____