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MANITOWOC COUNTY
STATE OF WISCONSIN
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June 15, 2006

Honorable Patrick L. Willis
Branch 1
Manitowoc County Circuit Court
Post Office Box 2000
Manitowoc, Wisconsin 54221-2000

BY OVERNIGHT COURIER

Re: *State of Wisconsin v. Steven A. Avery*
Case No. 2005-CF-381

Dear Judge Willis:

Pursuant to the Court's order on May 3, 2006, I now state Mr. Avery's position on a change of venue.

Mr. Avery continues to prefer trial before a jury drawn from eligible citizens in Manitowoc County and he asserts his state constitutional right to such a jury. However, Mr. Avery does not withdraw the January 17, 2006, Notice of Motion and Motion for Change of Place of Trial that his original lawyer filed (*see* Docket No. 11). Indeed, he today offers the Affidavit of Dean A. Strang in support of that motion for change of venue.

In descending order of preference, then, Mr. Avery requests the following relief.

1. Dismissal of the five charges related to Teresa Halbach, pursuant to the motion to dismiss and supporting memorandum he files today.
2. Continuance of the jury trial in this case to an appropriate date in or after February 2007, to allow abatement of prejudicial pretrial publicity, coupled with an order sharply limiting public comment by lawyers and law enforcement agents involved in the investigation and prosecution of this case.

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HURLEY, BURISH & STANTON, S.C.

Honorable Patrick L. Willis

June 15, 2006

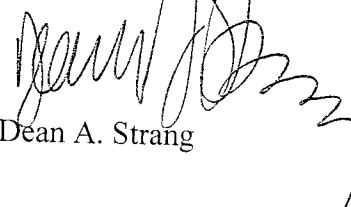
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3. A change of venue to a different county, from which the Court and the parties will attempt to select an impartial jury and in which they will try the case. In moving the place of trial as Mr. Avery alternatively requests here, the Court would be able to exclude the Manitowoc County Sheriff's Department from any contact with prospective or actual jurors in the case. That is relief that Mr. Avery has requested by separate motion.

Only if the Court denies Mr. Avery's first two preferred forms of relief does he request a change of venue, having no other way reasonably to secure his federal and state constitutional rights to a fair trial then to sacrifice over objection his state constitutional right to an impartial jury drawn from Manitowoc County. If the Court denies his first two preferred forms of relief and if Mr. Avery therefore is compelled to request a change of venue in which a jury is selected from another county and the case is tried in that other county, he does so only over objection that the State has fatally impaired his state constitutional right to an impartial jury drawn from Manitowoc County and, in so doing, has put him to a choice of sacrificing one constitutional right to preserve another, contrary to fundamental fairness and the due process guaranteed by the federal and state constitutions.

Sincerely,

HURLEY, BURISH & STANTON, S.C.



Dean A. Strang

DAS:mns

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cc: Kenneth R. Kratz
Thomas J. Fallon
Jerome F. Buting