

ORIGINAL

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH I

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

PROPOSED STIPULATIONS

vs.

Case No. 05-CF-381

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

STEVEN A. AVERY,

Defendant.

DEC 20 2006

CLERK OF CIRCUIT COURT

The State of Wisconsin, by Kenneth R. Kratz, Calumet County District Attorney, appearing as Special Prosecutor, and the defendant, by Attorney Jerome F. Buting, propose the following stipulations for the Court's approval:

1. That the defense will not oppose the state's motion regarding the admissibility of DNA evidence at the trial, including nuclear DNA test results (PCR/STR identification evidence) as well as DNA evidence derived from mitochondrial DNA testing. The defense accepts the admissibility, as a matter of scientific principle and relevance, of the DNA technology the State proposes in its motion. However, the defense reserves the right to challenge the specific reliability, methods, protocol, evidentiary escort and weight of the DNA testing and evidence in this case.

2. That the State withdraws its request for a "jury view" of the property known as the Avery Salvage Yard.

3. That the defendant, Steven A. Avery, is a convicted felon, which conviction remains of record and unreversed. Steven A. Avery was a convicted felon on October 31, 2005 as well as November 5, 2005.

4. The parties will address with the Court the number of convictions for the defendant, Steven A. Avery, and other witnesses, as required, to be used for impeachment purposes.

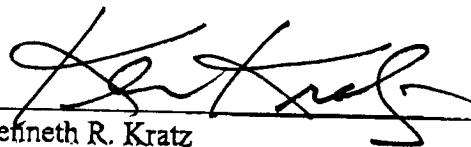
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(1)

5. That the number of preemptory challenges, pursuant to secs. 972.03 and 972.04, Wis. Stats., will be seven for the State and seven for the defense. The parties agree that 16 total jurors will be seated for the trial, and that four "alternate" jurors will be selected, by lot, at the conclusion of the presentation of evidence and argument in this case.

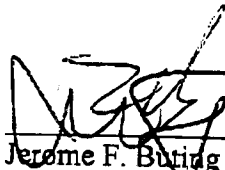
6. That a sequestration/exclusion order should be imposed in this case, directing all potential witnesses to be excluded from the courtroom during opening statements or witnesses testimony, with the exception of Investigator Mark Wiegert and Special Agent Tom Fassbender (designated at the State's court officers) or any family member of the victim, Teresa Halbach (which are exempt from exclusion orders, pursuant to sec. 906.15(2)(d)).

Witnesses should be instructed not to watch television or other accounts of testimony of other witnesses; not to perform any independent investigation, including internet or other media searches regarding the case; and should be restricted from speaking with other witnesses regarding their testimony. Witnesses will not be prohibited from speaking with attorneys for either side, either prior to their testimony or during court recess.

Respectfully submitted this 13th day of December, 2006.



Kenneth R. Kratz
Calumet County District Attorney
Manitowoc County Special Prosecutor
State Bar # 1013996



Jerome F. Buting
Attorney For Defendant
State Bar # 1009868