



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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July 3, 2006

The Honorable Patrick L. Willis
Manitowoc County Circuit Court Br. 1
1010 South Eighth Street
Manitowoc, WI 54211-2000

UNDER SEAL

Re: *State v. Avery*
Manitowoc County Case No. 05-CF-381
State's Reply to Defendant's Response to the State's Motion to Prohibit
Evidence of Third Party Liability and to Motion to Exclude Manitowoc
County Sheriff's Office.

Dear Judge Willis:

Upon receipt of the Defendant's Response to the State's Motion to Prohibit Evidence of Third Party Liability, I took the opportunity to re-evaluate the state's position in light of counsel's discussion of *Holmes v. South Carolina*, and to conduct additional research. As a result, I came across the case of *State v. Richardson*, 210 Wis. 2d 694, 563 N.W.2d 899 (1997), which I believe is controlling. Attached you will find the State's Reply Brief providing a more refined statement of the state's position.

Also enclosed is the State's Reply To Defendant's Motion To Exclude the Manitowoc Sheriff's Department.

*Copy of State's Reply
by the Court*

Sincerely,

Thomas J. Fallon
Assistant Attorney General

TJF:kw

Enclosures

c: Attorney Jerome Buting
Attorney Dean Strang

REC'D JUL 5 2006

