

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN A. AVERY,

Plaintiff,

v.

04-C-00986

MANITOWOC COUNTY,
THOMAS H. KOCOUREK and
DENIS R. VOGEL,

Defendants.

AFFIDAVIT OF PAUL A. KINNE

STATE OF WISCONSIN)
)§
COUNTY OF DANE)

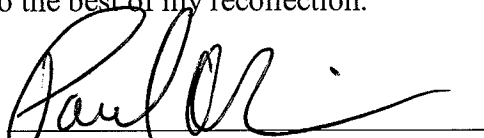
Paul A. Kinne, being first duly sworn, hereby testifies and avers as follows:

1. I am an attorney with the firm of Gingras, Cates & Luebke, S.C.
2. On October 30, 2003, Steven Avery signed a fee contract with the law firm of Gingras, Cates & Luebke, S.C.
3. The fee contract that is attached as Exhibit A to the Affidavit of Robert J. Gingras was signed during a meeting on October 30, 2003, at the offices of Gingras, Cates & Luebke, S.C., and I was present, along with Attorney Robert J. Gingras and Steven Avery and his parents.
4. During the meeting when the fee contract was signed, the contract was explained to Avery, he was allowed to ask questions about the contract and he was not pressured or induced to sign it.
5. Based on my observations, Avery understood the contract and signed it of his own free will.

6. During the course of the meeting, Avery told me and Attorney Gingras that he was going to meet with the Innocence Project lawyers later that same day.
7. Avery never told me that he was going to meet with Attorney Walt Kelly or any other civil rights attorney that same day.
8. I never told Avery that he could just sign the fee contract in order to save him from having to travel back to our office in the future.
9. At the conclusion of the meeting, Attorneys Gingras and I were ready willing and able to prosecute Avery's case on his behalf and we were both of the belief that we were Avery's attorneys without any qualification or condition.
10. In the days following Avery's signing the fee contract, Avery did not call me to tell me that he had signed a fee contract with Attorney Kelly.
11. On November 3, 2003, I wrote a letter to Attorney Tracey Wood, who practices criminal defense, inquiring if she wanted to be involved in the representation of Avery. Attached hereto as Exhibit B is a true and correct copy of that letter.
12. I wrote the letter, because Attorney Gingras, Avery and I discussed Attorney Wood's potential involvement at the meeting on October 30, 2003.
13. On November 4, 2003, I wrote a letter to Avery regarding a phone conversation that Avery and I had that same day. Attached hereto as Exhibit C is a true and correct copy of that letter.
14. During that conversation, Avery asked me to hold off filing a complaint in federal court, but gave me permission to speak with Attorney Keith Findley from the Innocence Project.
15. I spoke with Attorney Findley in the afternoon of November 4, 2003, in an effort to secure copies of the documents that the Innocence Project had relative to Avery's criminal case and subsequent release.

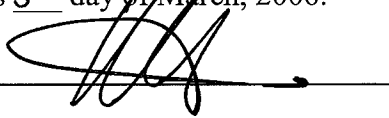
16. During that conversation, Attorney Findley told me that he thought that Avery had also signed a fee contract with the law firm of Attorney Walt Kelly.

17. The above statements are true and accurate to the best of my recollection.



Paul A. Kirme

Subscribed and sworn to before me
this 3rd day of March, 2006.



Heath P. Straka, Notary Public
State of Wisconsin

My commission is permanent

GINGRAS, CATES & LUEBKE, S.C.

"WE'LL BE WITH YOU EVERY STEP OF THE WAY"

ROBERT J. GINGRAS
JOHN L. CATES
MICHAEL J. LUEBKE
PAUL A. KINNE

November 3, 2003

Tracey Wood
Van Wagner & Wood SC
10 E Doty # 701 PO Box 88
Madison, WI 53701-0088

Re: Steven Avery
Our File No.: 5781

Dear Tracey:

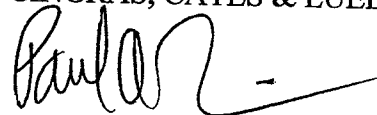
Bob Gingras and I met with Steve Avery on October 30, 2003. I mentioned to him that you might also be taking part in his representation with respect to any civil rights claims he might have arising out of his wrongful conviction. He said that would be absolutely fine.

The next question is, then, do you wish to be involved? Please give me a call at your earliest convenience so we can discuss it further.

Thank you.

Very truly yours,

GINGRAS, CATES & LUEBKE, S.C.



Paul A. Kinne

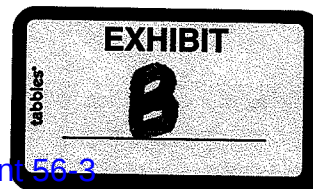
/klg

cc: Steve Avery

131 W Wilson Street
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"WE'LL BE WITH YOU EVERY STEP OF THE WAY"

ROBERT J. GINGRAS
JOHN L. CATES
MICHAEL J. LUEBKE
PAUL A. KINNE

November 4, 2003

ERIC J. HAAG
JAMIE A. STOCK
HEATH P. STRAKA

Steven Avery
2930 Avery Road
Two Rivers, WI 54241

Re: Our File No.: 5781

Dear Steve:

I am writing to confirm our telephone conversation of today. You called me to ask me to hold off on filing a complaint for at least a month. You said you wanted to see what the State did before you elected to go forward with any kind of a lawsuit. You did, though, give me permission to go ahead and speak with Keith Findley from the Innocence Project.

I told you that we would not file a complaint until you gave us permission to do so. It is important, though, that before you decide to resolve any legal matter with the State of Wisconsin, that you consult us so we can give you our legal opinion about whether the State is being fair with you. In other words, don't sign anything until you talk to us first.

If I have not heard from you in roughly a month, I will give you a call.

Thank you.

Very truly yours,

GINGRAS, CATES & LUEBKE, S.C.


Paul A. Kinne

/klg

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