

Also Admitted: Arizona & Massachusetts

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Attorney at Law

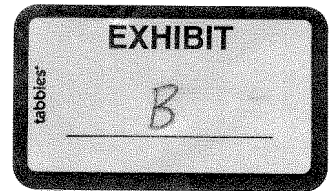
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April 8, 2004

PERSONAL AND CONFIDENTIAL

Steven A. Avery
12930 Avery Rd.
Two Rivers, WI 54241

Dear Steven:

We have completed our pre-lawsuit investigation and research concerning your case. It is our opinion that you have a meritorious, albeit challenging, case for denial of your due process rights and loss of your freedom, reputation, and relationships.

The focus of your case will be on the behavior of the Sheriff, and perhaps the District Attorney, of Manitowoc County in failing to make a record of accurate information made available to him concerning another likely suspect, Gregory Allen, and failing to disclose that information meaningfully to your lawyers on a timely basis which would likely have resulted in either your non-prosecution, or acquittal or release. These failures were worsened by questionable identification, investigatory and victim/witness support practices by the Sheriff. We say "perhaps" the District Attorney because the information currently available concerning the interactions between the Sheriff and the District Attorney is incomplete and will require further discovery procedures. Certainly we know more about the Sheriff than the District Attorney from witnesses, the Attorney General's report, news stories, and the victim's statements.

To most people what was done to you seems so plainly wrong that it is difficult to understand why it will be so challenging to succeed in your suit for damages. The reason your case is so challenging is because of the concepts of immunity that Walt explained to you and your parents when you first met at the law school. The Sheriff has what is called "qualified immunity from suit," which means that we will have to show that he violated legal principles clearly established by the Constitution in 1985 in order to proceed successfully against him. For all but certain special functions of his office, the District Attorney has what is called "absolute immunity from suit," which means that no damage suit can be directed against him, no matter how outrageous his behavior, unless we can locate his behavior in one of those special functions. The County as a separate entity also will seek to avoid its responsibility on a legal theory that it has no liability for the individual acts of either the Sheriff or the District Attorney. We also

Of Counsel

First Blondis, Albrecht & Novotnak, s.c.

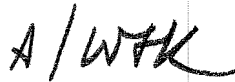
Steven A. Avery
Page 2 of 2
4/08/04

think that both the Sheriff and the District Attorney may try to shift the responsibility for the non-disclosure of the information concerning Mr. Allen onto your criminal defense lawyers, a maneuver that we believe not to be supported by the facts or the law. We are telling you these things so that you have a realistic understanding of how difficult your federal case is, yet we remain confident of its merit.

You may also have claims for violations of Wisconsin state law for false arrest, malicious prosecution, and false imprisonment. However, these claims are so restricted by statutes of limitations, state-law immunities, state-law defenses, and state-law damages limits that they are in our opinion not worth pursuing, especially because they might play into the hands of a defense tactic in your case that would be all too willing to push or even to concede the state-law violations in order to avoid responsibility for the more costly federal violations. For that reason we recommend against filing any state-law claims.

We are committed to represent you. We believe in your case and want to work with you to secure justice for the terrible losses you have suffered. For that reason we enclose an original and one copy of our agreement concerning representation. Please sign the original and return it to us in the enclosed envelope, retaining the copy for your files. We will sign, date and return a fully executed copy to you.

Sincerely,



Walter F. Kelly



Stephen M. Glynn

WFK:jm:etl