

**FILED**

**MAY 25 2016**

**CLERK OF COURT OF APPEALS  
OF WISCONSIN**

**STATE OF WISCONSIN**

**COURT OF APPEALS**

**DISTRICT II**

Appeal No. 2015AP002489  
Circuit Court Case No. 2005CF00381

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STATE OF WISCONSIN,

Plaintiff- Respondent,

v.

STEVEN A. AVERY,

Defendant-Appellant.

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**MOTION TO EXTEND THE TIME FOR FILING  
DEFENDANT-APPELLANT'S BRIEF**

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Defendant-Appellant Steven Avery, by his attorneys, Kathleen T. Zellner, Douglas H. Johnson and Tricia J. Bushnell, hereby moves this court pursuant to Rule 809.82(2) to extend the time for filing his brief by 90 days, making his brief due August 29, 2016. In support of this motion, he states the following:

1. The record in this case was filed in this court on April 20, 2016. Pursuant to Rule 809.19(1), Mr. Avery's brief is due 40 days thereafter, on May 31, 2016 (May 30, 2016 is Memorial Day and a court-holiday.).

2. Despite diligent and extensive efforts, commencing even before the record was sent to this Court, additional time is necessary for undersigned counsel to complete their review of the record and draft the brief. As noted by the Manitowoc County Clerk, the record in this court is "considerable." The transcripts alone are voluminous--trial lasted over four weeks with an additional postconviction hearing. The record totals 464 documents. Although counsel has worked diligently on this case, additional responsibilities, as set forth below, require additional time to complete the brief in this case.

3. Undersigned counsel Kathleen T. Zellner and Douglas H. Johnson have been engaged in several criminal matters recently, including but not limited to *People v. Melissa Calusinski*, 09 CF 252 (post-conviction); *People v. Mario Casciaro*, 10 CF 229 (petition for certificate of innocence); *People v. Markell Horton*, 1-14-2019 (brief on appeal); *People v. Tollie Rowry*, 1-15-10782 (brief on appeal); *People v. Kent Pellegrini*, 3-15-0802 (brief on appeal); *People v. Maurice Jones*, 2-15-1145 (brief on appeal);

*People v. Eduardo Patino, 1-13-2473 (petition for leave to appeal to Illinois Supreme Court).*

4. Undersigned counsel Kathleen T. Zellner and Douglas H. Johnson have also recently been engaged in several civil matters, including but not limited to the resolution of *Yvette Martin, as Special Administrator of the Estate of Alprentiss Nash v. City of Chicago, et. al.*, 14 C 1493 (1983 fabrication of evidence/withholding of evidence/malicious prosecution); the completion of discovery in *Lathierial Boyd v. City of Chicago, et. al.*, 13 C 7152 (1983 wrongful conviction resulting in 23 years wrongful incarceration); ongoing discovery in *Jane Doe v. Thomas J. Dart in his official capacity as Cook County Sheriff, et al.*, 14-cv-8296 (deliberate indifference in detention center) and ongoing discovery in *Joseph Portillo v. Gregory Gossett, et. al.*, Case No. 14 C 01062 (state created danger in detention center).

5. Undersigned counsel Tricia Bushnell is the Legal Director at the Midwest Innocence Project. Throughout April, Ms. Bushnell has been traveling for casework in *State v. Lincoln (MO)*, *State v. Politte (MO)* and *State v. Dorsey* (Missouri capital case currently in federal habeas appeal). In addition to litigating cases, Ms. Bushnell also has various other administrative

and teaching responsibilities, including teaching at the University of Missouri-Kansas City Law School. The last day of classes at the law school was April 25, and significant time was required to complete grading.

6. Accordingly, additional time is required to complete the brief in this case. An extension of time until Monday, August 29, 2016, may allow counsel sufficient time to complete the brief.

WHEREFORE, the defendant-appellant asks that this court extend the time for filing his brief by 90 days until August 29, 2016.

Dated this 24th day of May, 2016

Respectfully submitted,

/s/ Kathleen T. Zellner  
Kathleen T. Zellner\*  
(Lead Counsel)  
Douglas Johnson\*  
Law Offices of Kathleen Zellner, P.C  
1901 Butterfield Rd # 650  
Downers Grove, IL 60515  
(630) 955-1212  
attorneys@zellnerlaw.com  
\*admitted pro hac vice

  
Tricia J. Bushnell  
Tricia J. Bushnell  
(Local Counsel)  
# 1080889  
Midwest Innocence Project  
605 W. 47th Street, # 222  
Kansas City, MO 64112  
(816) 446-3287  
FAX (888) 446-3287  
[tbushness@themip.org](mailto:tbushness@themip.org)

ATTORNEYS FOR DEFENDANT-APPELLANT

cc: Gregory M. Weber, Thomas J. Fallon, Assistant Attorney Generals  
Lynn Zigmunt, Clerk of Manitowoc County