



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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September 19, 2016

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SEP 21 2016

CLERK OF CIRCUIT COURT
MANITOWOC COUNTY, WI

The Honorable Angela Sutkiewicz
Circuit Court Judge
Sheboygan County Courthouse
615 North Sixth Street
Sheboygan, Wisconsin 53081

Re: *State of Wisconsin v. Steven Avery*
Manitowoc County case # 05-CF-381
Appellate Court case # 15-AP-2489

Dear Judge Sutkiewicz:

In an Order dated September 8, 2016, received September 12, 2016, the Wisconsin Court of Appeals, District II, stayed briefing in Defendant's appeal of the court's decision denying his § 974.06 Motion for Postconviction Relief. The stay was issued for the limited purpose of addressing *Defendant's Motion For Postconviction Scientific Testing*. Additionally, the trial court record was remanded to assist this court in disposing of the Motion.

To facilitate disposition of the Motion, we ask the court to schedule a status conference in late October or early November. We suggest it be scheduled sometime during the weeks of October 24 or October 31, or November 7. This should give the State ample time to locate and inventory all items which are the subject of Defendant's Motion. Additionally, this should provide the State with time to determine which items are covered by the April 4, 2007, *Preservation of Blood Evidence and Independent Defense Testing Order* entered by Judge Patrick L. Willis at the conclusion of Defendant's trial. A copy of that Order is marked as Exhibit "N." in *Defendant's Motion For Postconviction Scientific Testing*.

The Hon. Angela W Sutkiewicz
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Finally, we advise the Court that the "original" of this letter is being filed with the clerk of the circuit court in Manitowoc County and you are being provided a working copy. At the status conference we can decide on where and how pleadings are to be filed in this case. Thank you for your time and attention to this matter.

Sincerely,



Thomas J Fallon
Assistant Attorney General &
Special Prosecutor

TJF: ajs

Original: Clerk of the Circuit Court for Manitowoc County
Working Copy: The Honorable Angela Sutkiewicz

c: Kathleen T. Zellner, Attorney for Defendant
Tricia J. Bushnell, Attorney for Defendant
Stephen G. Richards, Attorney for Defendant
Norm Gahn, Special Prosecutor