

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN,)	
)	
Plaintiff,)	
)	Case No. 05-CF-381
v.)	
)	
STEVEN A. AVERY,)	Honorable Judge Angela Sutkiewicz,
)	Judge Presiding
)	
Defendant.)	

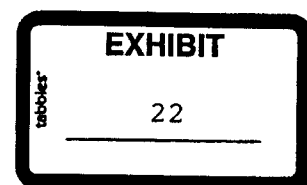
AFFIDAVIT OF KURT W. KINGLER

Now comes your affiant, Kurt W. Kingler, and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information, and belief. I am of sound mind and I am not taking any medication nor have I ingested any alcohol that would impair my memory of the facts stated in this affidavit.
2. I have been employed as a law clerk by Kathleen T. Zellner & Associates, P.C., since July 2015. I am a law student at Loyola University Chicago School of Law.

I. Bookcase Experiment

3. Under the instruction of Kathleen Zellner, I participated in an experiment for the purposes of Steven Avery's Petition for Post-Conviction Relief in the above captioned case.
4. On March 21, 2017, I, along with Kathleen Zellner and Kathryn Thomas, traveled to Steven Avery's former residence in Two Rivers, Wisconsin, to simulate the discovery of



Teresa Halbach's RAV-4 key in Mr. Avery's bedroom.

5. A bookcase identical to the one from Mr. Avery's bedroom, as shown in Trial Exhibits 208 and 209 was placed in Mr. Avery's bedroom. A charger was plugged into the wall outlet in the place where one had been on November 8, 2005. Other items, including a photo album, newspapers, an aerosol can, magazines, loose change, a television remote control, and an envelope, were placed on and in the bookcase as they were positioned in and on Mr. Avery's bookcase prior to the search by law enforcement. Slippers similar to the pair that Mr. Avery wore and which were next to the bookcase when Ms. Halbach's RAV-4 key was found were placed on the north side of the bookcase in the same position Mr. Avery's slippers were in before the Toyota key was found.
6. The bookcase was aligned with the wall outlet shown in photographs taken by investigators of Mr. Avery's bookcase and Ms. Halbach's key. The photo album was placed in the left hand corner of the bottom shelf, the newspapers and magazines on the remainder of the bottom shelf, the wall outlet AC adapter to the left of the bookcase, and the loose change and television remote on top of the bookcase.
7. The experiment key and lanyard were placed the bottom shelf in the back left hand corner to most accurately simulate Sgt. Colborn's description of where the key and lanyard landed after her search of the bookcase.
8. A photo album was used to strike the back panel of the experiment bookcase to separate the back panel from the bookcase itself as described by Sgt. Colborn and shown in Trial Exhibit 169. These forceful strikes did not cause the key and lanyard to fall through the gap between the back panel of the experiment bookcase and frame. The fabric of the

lanyard appeared to cause it to adhere to the wood surface and hold the experiment key in place. Much of the loose change, the remote control, and the envelope fell from the bookcase.

9. With the specific intent of pushing the experiment key and lanyard through the gap between the back panel and the experiment bookcase, the photo album was used to forcefully strike the back panel an additional five times. The experiment key and lanyard were eventually pushed through the gap between the back panel and the bookcase frame and fell through the gap and directly to the floor, directly behind the experiment bookcase, following the direction of gravity. The experiment key and lanyard did not end up on the northwest side of the bookcase beneath the wall outlet, as described by Sgt. Colborn and shown in Trial Exhibit 210.
10. In the process of making the initial strikes against the back panel of the experiment bookcase with the photo album, much of the loose change fell off the experiment bookcase in addition to the television remote and an envelope, unlike the items in the photos of the actual bookcase. (Trial Exhibit 20).
11. Another attempt was made to push the experiment key and lanyard through the gap created between the back panel and experiment bookcase frame. The experiment key and lanyard were placed in the left anterior corner of the experiment bookcase and it was tipped and twisted and again, the photo album was forcefully pushed against the back panel of the experiment bookcase. The experiment key and lanyard did not move during this forceful pushing, and the lanyard again adhered to the wood surface of the experiment bookcase causing the experiment key and lanyard not to move.

12. A final attempt was made to dislodge, the experiment key and lanyard from the bottom left corner of the experiment bookcase by tilting and rocking it. This final effort was unsuccessful in dislodging the experiment key and lanyard from its resting place on the left inside corner of the experiment bookcase. The experiment key and lanyard did not move during this activity but the remainder of the loose change and other bedroom debris fell from the top of the experiment bookcase to the bedroom floor.
13. Video footage of the bookcase experiment is attached as **Exhibit A** to this affidavit.

FURTHER AFFIANT SAYETH NAUGHT

Kurt W. Kingler
Kurt W. Kingler

State of Illinois
County of DuPage

Subscribed and sworn before me
this 31st day of May, 2017.

Scott T. Panek
Notary Public

