

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

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

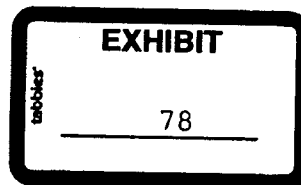
AFFIDAVIT OF KURT W. KINGLER

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. Burning Motorola RAZR V3 and Palm Zire 31 Experiment**

3. On March 22, 2017, I witnessed an experiment conducted by James Kirby. Mr. Kirby, at the request of Ms. Zellner, placed Mr. Avery's burn barrel in the location where Robert Fabian testified it was when he allegedly smelled burning plastic on October 31, 2005. Mr. Kirby directed me to stand where Mr. Fabian testified he was sitting in a golf cart and smelled the burning plastic while the electronics were burning to see if I could detect the



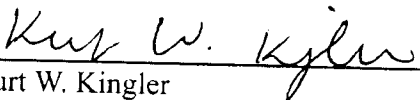
smell of burning plastic. While standing in that location, I could not detect the odor of burning plastic. Mr. Kirby also directed me to stand directly over the barrel while the electronics were burning to see if I could detect the smell of burning plastic. While standing over the barrel, I could not detect the odor of burning plastic.

## **II. Burning Canon PowerShot A310 Experiment**

1. 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. On April 11, 2017, I, along with Kathleen Zellner and Lauren Hawthorne, conducted an experiment in which we aimed to observe the burning process of a Canon PowerShot A310 digital camera and to ascertain whether or not we could detect a strong odor and observe heavy smoke from the burning of that digital camera.
2. To prepare for the experiment, we brought a grill, charcoal, a lighter, and the digital camera to an open area. For accuracy of the experiment, we used the same camera that Teresa Halbach used, a Canon PowerShot A310. I piled charcoal into a small metal barrel, or chimney, on top of the grate, lit newspaper beneath the charcoal, and we waited approximately twenty minutes for the charcoal to heat up before beginning the burning process.
3. Once the coals became hot, Lauren handed me the camera and I placed it on top of the burning charcoal. We watched it burn for approximately 15 minutes. While it burned, we walked all around the grill and alternated standing in the line of smoke, near and far from the grill, and leaning above the grill to see if we could smell any strong or unusual scent. At no point did I smell anything other than burning charcoal.


4. After the camera had been burning for some time, we decided to place the camera underneath the chimney to test if that would alter our results. We agreed that the camera was burning more quickly and intensely beneath the chimney than on top of the coals. After we allowed the camera to burn beneath the chimney for 20 minutes, we removed the chimney from on top of the camera to visually observe it. Its plastic components appeared to have melted to a significant degree and its metal components appeared charred in a similar manner to the camera components recovered from Mr. Avery's barrel (See, e.g., Trial Exhibits 410, 411). At no time during the burning of the camera, whether it was on top of the coals or beneath the chimney, did I detect a strong odor of burning plastic or observe heavy smoke. Video from the camera burning experiment is attached as **Exhibit A**.

**FURTHER AFFIANT SAYETH NAUGHT**

  
Kurt W. Kingler

State of Illinois  
County of DuPage

Subscribed and sworn before me  
this 31<sup>st</sup> day of May, 2017.

  
Notary Public

