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07-13-2017
Clerk of Circuit Court
Manitowoc County, WI
2005CF000381

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July 13, 2017

The Honorable Angela Sutkiewicz
Circuit Court Judge
Sheboygan County Courthouse
615 North Sixth Street
Sheboygan, Wisconsin 53801

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

Dear Judge Sutkiewicz:

We have informed the Attorney General's Office that on July 12, 2017 we sent by Federal Express, to the Court of Appeals, a Motion to Dismiss the Appeal in the above referenced case. We have confirmed with the Court of Appeals that the motion was docketed this morning. A copy of the notice of motion and the motion are enclosed. We have filed this motion so that this Court will have jurisdiction on all claims raised in the latest post-conviction motion of Mr. Avery.

Sincerely,

Kathleen T. Zellner

KTZ/dhj

Enc.

cc: Attorney Thomas J. Fallon
Lynn Zigmunt, Manitowoc County Clerk of Court

STATE OF WISCONSIN

COURT OF APPEALS

DISTRICT II

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

STATE OF WISCONSIN,

Plaintiff- Respondent,

v.


STEVEN A. AVERY,

Defendant-Appellant.

NOTICE OF MOTION

TO: See Attached Service List

PLEASE TAKE NOTICE that on July 13, 2017, we caused to be filed with the Clerk of the Court of Appeals of the State of Wisconsin, District II, the attached Motion to Dismiss Appeal in the above-captioned matter, a copy of which is attached hereto and served upon you.



Kathleen T. Zellner
Kathleen T. Zellner

Proof of Service

The undersigned, an attorney, certifies that she served the foregoing by email to each person to whom it is directed on July 13, 2017, prior to 12:00 p.m.

A handwritten signature in black ink, appearing to read "Kathleen T. Zellner", written over a horizontal line.

Kathleen T. Zellner

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SERVICE LIST

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STATE OF WISCONSIN

COURT OF APPEALS

DISTRICT II

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

STATE OF WISCONSIN,

Plaintiff- Respondent,

v.

STEVEN A. AVERY,

Defendant-Appellant.

MOTION TO DISMISS APPEAL

Now Comes the Defendant, STEVEN AVERY, by and through his attorneys, Kathleen T. Zellner & Associates, P.C., and Steven G. Richards, moves this Court as follows:

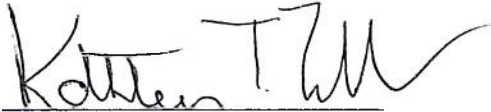
1. This case is currently on limited remand to the circuit court pursuant to a pending motion seeking scientific testing of evidence.

2. Defendant now seeks to dismiss this appeal in its entirety.

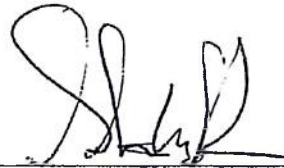
WHEREFORE, Plaintiff, Steven Avery, respectfully requests this Court grant the instant motion to dismiss this appeal in its entirety.

Dated this 12 day of July, 2017.

Respectfully submitted,



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(Lead Counsel)
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