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AV-Preeminent Rating

February 11, 2019

Wisconsin Court of Appeals
110 East Main Street, Suite #215
P.O. Box 1688
Madison, WI 53701
(608) 266-1880

RECEIVED

FEB 11 2019

CLERK OF COURT OF APPEALS
OF WISCONSIN

Re: *State of Wisconsin -v- Steven Avery*
Case No: 2017AP2288

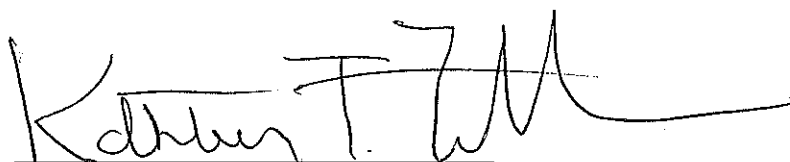
Dear Justices:

We are submitting this letter with attachments pertaining to Mr. Avery's January 24, 2019 Motion to Stay Appeal and Remand the Cause for Proceedings on Claims for Relief in Connection with the State's Violation of Wis. Stat. § 968.205 and *Youngblood v. Arizona*, which is currently pending before the court. On Friday, February 8, 2019, current post-conviction counsel received 300 pages of evidence property custody documents of the Calumet County Sheriff's Office pertaining to the issues raised by Mr. Avery in his motion that is pending before this Court. The undersigned counsel have attached **Group Exhibit A**, which documents the chain of custody of the suspected human bone fragments from the Manitowoc County Gravel Pit. **Group Exhibit A** documents the release of the bone fragments 7411, 7412, 7414, 7416, 7419, 7420, 7421, 7426, and 7434. As our motion indicates, these bones were returned to the family of Teresa Halbach via the Wieting Funeral Home. **Group Exhibit A** documents the 9/20/2011 release of the bones from Dep. Jeremy Hawkins to Sgt. Inv. Mark Wiegert, who subsequently released them to the funeral home.

Prior post-conviction counsel (*See*, Exhibit C to the January 24, 2019 Motion, the Affidavit of Suzanne Hagopian) was never notified of the disclosure of the suspected human bones to the Halbach family. A review of Ms. Hagopian's file indicates that the evidence property custody documents that she received pertaining to 7411, 7412, 7414, 7416, 7419, 7420, 7421, 7426, and 7434 did not document the 9/20/2011 release and return to the Halbach family. (Attached and incorporated herein is **Group Exhibit B**, the evidence property custody documents provided to prior counsel).

The undersigned counsel respectfully requests that this Court, in ruling upon Mr. Avery's pending motion, take into consideration **Group Exhibit A** and **Group Exhibit B**.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kathleen T. Zellner', written over a horizontal line.

Kathleen T. Zellner

A handwritten signature in cursive script, appearing to read 'Steven G. Richards', written over a horizontal line.

Steven G. Richards

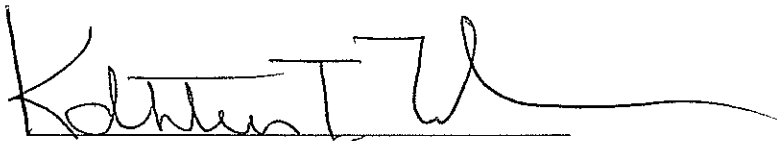
CERTIFICATE OF SERVICE

I certify that on February 11th, 2019, a true and correct copy of Defendant-Appellant's letter to the Court providing a Group Exhibit A and Group Exhibit B to Mr. Avery's Motion to Stay Appeal and Remand the Cause for Proceedings on Claims for Relief in Connection with the State's Violation of Wisconsin Statute § 968.205 and Youngblood -v- Arizona, was furnished via electronic mail and by first-class U.S. Mail, postage prepaid to:

Manitowoc County District Attorney's Office
1010 South 8th Street
3rd Floor, Room 325
Manitowoc, WI 54220

Attorney General's Office
Ms. Lisa E.F. Kumer
Ms. Tiffany Winter
P.O. Box 7857
Madison, WI 53707

Lynn Zigmunt
Clerk of the Circuit Court
Manitowoc County Courthouse
1010 South 8th Street
Manitowoc, WI 54220

A handwritten signature in black ink, appearing to read 'Kathleen T. Zellner', with a long horizontal flourish extending to the right.

Kathleen T. Zellner

05-0157-955 RDR

EVIDENCE/PROPERTY CUSTODY DOCUMENT Calumet County Sheriff's Department 208 Court St., Chilton WI 53014-1198		INCIDENT # <u>05-955-157</u>	Page: <u>1</u>
		CITATION #	of: <u>3</u>

Name and Title of Person From Whom Received: <input type="checkbox"/> Owner <u>DCP PERSONNEL</u> <input type="checkbox"/> Other	Address:
Address From Where Obtained: <u>CALUMET S.O.</u>	Reason Obtained: <u>EVAL AS EVID.</u>
	Time/Date Obtained: <u>4/10/06</u>

ITEM NUMBER	PROPERTY TAG NUMBER	DESCRIPTION OF ARTICLES (Include model, serial number, condition, and unusual marks or scratches)	Time Collected:	Disp:
1	7409	Description: <u>2 CLASS SLIDES</u> Location Found: <u>FROM ITEM # 8658</u>	<u>1137</u>	
2	7410	Description: <u>BOBBY PIN</u> Location Found: <u>FROM # 8658</u>	<u>1140</u>	
3	7411	Description: <u>POSSIBLE BONE FRAGMENTS</u> Location Found: <u>FROM # 8658</u>	<u>1151</u>	
4	7412	Description: <u>POSSIBLE BONE FRAGMENTS</u> Location Found: <u>FROM # 8658</u>	<u>1155</u>	
5	7413	Description: <u>NON-HUMAN BONE FRACS</u> Location Found: <u>FROM # 8653</u>	<u>1421</u>	
6	7414	Description: <u>BONE FRAGMENTS</u> Location Found: <u>FROM # 8653</u>	<u>1422</u>	
7	7415	Description: <u>SUSPECTED NON-HUMAN BONES</u> Location Found: <u>FROM ITEM # 8652</u>	<u>1504</u>	
8	7416	Description: <u>SUSPECTED HUMAN BONE FRACS</u> Location Found: <u>FROM ITEM # 8652</u>	<u>1502</u>	
9	7417	Description: <u>RED COAGULATED SUBSTANCE, CHARGED</u> Location Found: <u>FROM # 8665</u>	<u>1534</u>	
10	7418	Description: <u>SUSPECTED NON-HUMAN BONE FRAGMENT</u> Location Found: <u>FROM ITEM # 8687</u>	<u>1556</u>	
11	2489	Description: <u>SUSPECTED HUMAN BONE BONE FRAGMENTS</u> Location Found: <u>FROM ITEM # 8687</u>	<u>1556</u>	
12	7420	Description: <u>SUSPECTED CHARGED ITEM RESEMBLING BONE</u> Location Found: <u>FROM ITEM # 8654</u>	<u>1623</u>	
13	7421	Description: <u>UNIDENTIFIED SUSPECTED BONE</u> Location Found: <u>FROM ITEM # 8661</u>	<u>1707</u>	

EXHIBIT
Group A

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-27	4-11-06	Signature: <u>[Signature]</u> Name, Title: <u>[Name]</u>	Signature: <u>[Signature]</u> Name, Title: <u>D.P. Rick Bremer 932</u>	RECOVERED THEN PROCESSING
1-27	4-11-06	Signature: <u>[Signature]</u> Name, Title: <u>Deputy Rick Bremer 932</u>	Signature: <u>[Signature]</u> Name, Title: <u>Jeremy Hawkins/E.C.</u>	TURNED OVER DEVID LISOPIAN
3-8 10-16 18-27	04-24-06	Signature: <u>[Signature]</u> Name, Title: <u>Jeremy Hawkins/E.C.</u>	Signature: <u>[Signature]</u> Name, Title: <u>mailed to Dave Co coroners office</u>	Dave Co. coroners office

Name and Title of Person From Whom Received:	Address:	
<input type="checkbox"/> Owner	City, State, Zip	Phone:
<input type="checkbox"/> Other	Reason Obtained:	Time/Date Obtained:

ITEM NUMBER	PROPERTY TAG NUMBER	DESCRIPTION OF ARTICLES <small>(Include model, serial number, condition, and unusual marks or scratches)</small>		
14	7422	Description: SUSPECTED NON-HUMAN BONE FRAGMENTS Location Found: FROM ITEM # 8662	Time Collected: 1720	Disp:
15	7423	Description: NON-HUMAN BONE FRAGMENTS Location Found: FROM ITEM # 8657	Time Collected: 1738	Disp:
16	7424	Description: BONE FRAGMENTS Location Found: FROM ITEM # 8657	Time Collected: 1738	Disp:
17	7425	Description: FIBERS FROM Location Found: FROM SIFTING OF ITEM # 8480	Time Collected: 0845 4/11/06	Disp:
18	7426	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8698	Time Collected: 1020 4/11/06	Disp:
19	7427	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8480	Time Collected: 1037 4/11/06	Disp:
20	7428	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8681	Time Collected: 1111 4/11/06	Disp:
21	7429	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 79163	Time Collected: 1140 4/11/06	Disp:
22	7430	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8686	Time Collected: 1148 4/11/06	Disp:
23	7431	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8659	Time Collected: 1206 4/11/06	Disp:
24	7432	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8686	Time Collected: 1317 4/11/06	Disp:
25	7433	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8655	Time Collected: 1348 4/11/06	Disp:
26	7434	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8650	Time Collected: 1357 4/11/06	Disp:

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		Signature: _____	Signature: _____	
		Name, Title: _____	Name, Title: _____	
		Signature: _____	Signature: _____	
		Name, Title: _____	Name, Title: _____	
		Signature: _____	Signature: _____	
		Name, Title: _____	Name, Title: _____	

CHAIN OF CUSTODY (Continued)

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
3-8 10-16 18-27	12/11/06	Signature: <i>John J. Vysoky</i> Name, Title: <i>John J. Vysoky</i>	Signature: <i>Jeremy Hawkins</i> Name, Title: <i>Jeremy Hawkins / ECT</i>	Return to Evidence Custodian
3, 4, 5, 6, 8 11, 12, 13 14, 18, 26	02/21/07	Signature: <i>Jeremy Hawkins</i> Name, Title: <i>Jeremy Hawkins / ECT</i>	Signature: <i>M. W. Wolf</i> Name, Title: <i>M. W. Wolf</i>	TOT COURT
3, 4, 5, 6, 8 11, 12, 13 14, 18, 26	02/21/07	Signature: <i>M. W. Wolf</i> Name, Title: <i>M. W. Wolf / E.M.</i>	Signature: <i>Jeremy Hawkins</i> Name, Title: <i>Jeremy Hawkins / ECT</i>	TOT Evidence Custodian
3, 4, 6, 8 11, 12, 13 18, 26	09/20/11	Signature: <i>Jeremy Hawkins</i> Name, Title: <i>J. Hawkins / E.M.</i>	Signature: <i>M. W. Wolf</i> Name, Title: <i>Sgt. M. Wolf</i>	
		Signature:	Signature:	
		Name, Title:	Name, Title:	
		Signature:	Signature:	
		Name, Title:	Name, Title:	
		Signature:	Signature:	
		Name, Title:	Name, Title:	
		Signature:	Signature:	
		Name, Title:	Name, Title:	

FINAL DISPOSAL ACTION

Item #	Date	Name	Address	Relationship

FINAL DISPOSAL AUTHORITY

ITEMS _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ if/are
 Name, Address _____
 NO LONGER REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If articles must be retained, do not sign, but explain in separate correspondence.)

Typed/Printed Name and Title _____ Signature _____ Date _____

WITNESS TO DESTRUCTION OF EVIDENCE

The article(s) listed at Item number(s) _____ was/were destroyed by _____
 the evidence custodian, in my presence, on the date indicated above.

Printed Name _____ Signature _____ Date _____ Printed Name _____ Signature _____ Date _____

65-0157-955 RDR

EVIDENCE/PROPERTY CUSTODY DOCUMENT Dallas County Sheriff's Department 206 East St. Millen, Miss 30141-0800	INCIDENT #	05-955-157	Page: 1
	CITATION #		of: 3

Name and Title of Person From Whom Received:	DCP PERSONNEL			Address:	
<input type="checkbox"/> Owner				City, State, Zip	Phone:
<input type="checkbox"/> Other					
Address From Where Obtained:	CALUMET S.O.		Reason Obtained:	EVAL AS EVID -	
			Time/Date Obtained:	4/16/06	

ITEM NUMBER	PROPERTY TAG NUMBER	DESCRIPTION	LOCATION FOUND	TIME COLLECTED	DISP.
1	7409	2 CLASS SLIDES	FROM ITEM # 8658	1139	
2	7410	BOBBY Pin	FROM # 8658	1140	
3	7411	POSSIBLE BONE FRAGMENTS	FROM # 8658	1151	
4	7412	POSSIBLE BONE FRAGMENTS	FROM # 8658	1155	
5	7413	NON-HUMAN BONE FRACS	FROM # 8653	1421	
6	7414	BONE FRAGMENTS	FROM # 8653	1422	
7	7415	SUSPECTED NON-HUMAN BONES	FROM ITEM # 8652	1504	
8	7416	SUSPECTED HUMAN BONE FRACS	FROM ITEM # 8652	1502	
9	7417	RED COAGULATED SUBSTANCE, CHARR'D	FROM # 8665	1534	
10	7418	SUSPECTED NON-HUMAN BONE FRAGMENTS	FROM ITEM # 8687	1556	
11	2489	SUSPECTED HUMAN BONE BONE FRAGMENTS	FROM ITEM # 8687	1556	
12	7420	SUSPECTED CHARR'D ITEM RESEMBLING BONE	FROM ITEM # 8654	1623	
13	7421	UNIDENTIFIED SUSPECTED BONE	FROM ITEM # 8661	1707	

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OR CHANGE OF CUSTODY
1-27	4-11-06		Signature: [Signature] 832 Name, Title: Det. Rick Brown 832	RECOVERED THRU PROCESSING
1-27	4-11-06	Signature: [Signature] 832 Name, Title: Deputy Rick Brown 832	Signature: [Signature] Name, Title: Jeremy Hawkins/E.C.	TURNED OVER POEVIA CUSTODIAN
3-8 10-16 18-27	04-24-06	Signature: [Signature] Name, Title: Jeremy Hawkins/E.C.	Signature: [Signature] Name, Title: mailed to Name, Title: DANE CO coroners office	DANE CO coroners office

40IN19 3/03 LOCATION: _____ LEDGER NUMBER: No-96



CHAIN OF CUSTODY (Continued)

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OR CHANGE OF CUSTODY
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	

FINAL DISPOSAL ACTION

Item #	Date	Name	Address	Relationship

FINAL DISPOSAL AUTHORITY

ITEMS _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING
 Name, Address _____ if/are
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Typed/Printed Name and Title _____ Signature _____ Date _____

WITNESS TO DESTRUCTION OF EVIDENCE

The article(s) listed at item number(s) _____ was/were destroyed by
 the evidence custodian, in my presence, on the date indicated above.

Printed Name _____ Signature _____ Date _____ Printed Name _____ Signature _____ Date _____

Name and Title of Person From Whom Received:	Address:	
<input type="checkbox"/> Owner	City, State, Zip	Phone:
<input type="checkbox"/> Other		
Address From Where Obtained:	Reason Obtained:	Time/Date Obtained:

ITEM NUMBER	PROPERTY TAG NUMBER	DESCRIPTION OF ARTICLES	TIME COLLECTED	DISP.
14	7422	Description: SUSPECTED NON-HUMAN BONE FRAGMENTS Location Found: FROM ITEM # 8662	1720	
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16	7424	Description: BONE FRAGMENTS Location Found: FROM ITEM # 8657	1738	
17	7425	Description: FIBERS FROM Location Found: FROM SIFTING OF ITEM # 8480	0845 4/11/06	
18	7426	Description: BONE FRAGMENT Location Found: FROM SIFTING OF ITEM # 8698	1020 4/11/06	
19	7427	Description: BONE FRAGMENT Location Found: FROM SIFTING OF ITEM # 8480	1037 4/11/06	
20	7428	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8681	1111 4/11/06	
21	7429	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 7963	1140 4/11/06	
22	7430	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8686	1148 4/11/06	
23	7431	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8659	1206 4/11/06	
24	7432	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8686	1312 4/11/06	
25	7433	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8655	1348 4/11/06	
26	7434	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8650	1357 4/11/06	

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE/CHANGE TO CUSTODY
		Signature: _____ Name, Title: _____	Signature: _____ Name, Title: _____	
		Signature: _____ Name, Title: _____	Signature: _____ Name, Title: _____	
		Signature: _____ Name, Title: _____	Signature: _____ Name, Title: _____	

CHAIN OF CUSTODY (Continued)

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OR CHANGE OF CUSTODY
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		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	

FINAL DISPOSAL ACTION

Item #	Date	Name	Address	Relationship

FINAL DISPOSAL AUTHORITY

ITEMS _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING
 Name, Address _____ (If article must be retained, do not sign, but explain in separate correspondence.)
 NO LONGER REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article must be retained, do not sign, but explain in separate correspondence.)

Typed/Printed Name and Title _____ Signature _____ Date _____

WITNESS TO DESTRUCTION OF EVIDENCE

The article(s) listed at item number(s) _____ was/were destroyed by the evidence custodian, in my presence, on the date indicated above.

Printed Name _____ Signature _____ Date _____ Printed Name _____ Signature _____ Date _____

Name and Title of Person From Whom Received: _____ Address: _____
 Owner _____ City, State, Zip _____ Phone: _____
 Other _____
 Address From Where Obtained: _____ Reason Obtained: _____ Time/Date Obtained: _____

ITEM NUMBER	PROPERTY TAG NUMBER	DESCRIPTION OF ARTICLES	TIME COLLECTED	DISP
27	7435	Description: <u>BOOTS FRAGMENTS</u> Location Found: <u>FROM FRAGMENT OF ITEM # 9655</u>	Time Collected: <u>1405 4-11-06</u>	Disp:
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
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		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____
		Description: _____	Time Collected: _____	Disp: _____

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE
		Signature: _____ Name, Title: _____	Signature: _____ Name, Title: _____	
		Signature: _____ Name, Title: _____	Signature: _____ Name, Title: _____	
		Signature: _____ Name, Title: _____	Signature: _____ Name, Title: _____	

CHAIN OF CUSTODY (Continued)

ITEM #	DATE	RELEASED BY	RECEIVED BY	FOR POSSESSOR CHANGE OF CUSTODY
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	
		Signature: Name, Title:	Signature: Name, Title:	

FINAL DISPOSAL ACTION

Item #	Date	Name	Address	Relationship

FINAL DISPOSAL AUTHORITY

ITEMS _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING
 Name, Address _____ //are
 NO LONGER REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If articles must be retained, do not sign, but explain in separate correspondence.)

Typed/Printed Name and Title	Signature	Date
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WITNESS TO DESTRUCTION OF EVIDENCE

The article(s) listed at Item number(s) _____ was/were destroyed by
 the evidence custodian, in my presence, on the date indicated above.

Printed Name	Signature	Date	Printed Name	Signature	Date
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