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**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**CLERK OF COURT OF APPEALS
OF WISCONSIN**Josh Kaul
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April 27, 2021

Ms. Sheila T. Reiff
Clerk, Wisconsin Court of Appeals
110 East Main Street, Suite 215
Post Office Box 1688
Madison, WI 53701-1688Re: *State of Wisconsin v. Steven A. Avery*
Case No. 2017AP2288
Dist. II

Dear Ms. Reiff:

Enclosed for filing in the above matter are the original and four copies of the Motion to Strike Improper Reply in Violation of Wis. Stat. § (Rule) 809.14. A copy of this motion has been served by mail on counsel for defendant-appellant.

Sincerely,

Lisa E.F. Kumfer
Assistant Attorney General

LEK:ln

Enclosures

c: Kathleen T. Zellner
Counsel for Defendant-AppellantSteven G. Richards
Counsel for Defendant-Appellant

FILED

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STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT II

CLERK OF COURT OF APPEALS
OF WISCONSIN

Case No. 2017AP2288

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

STEVEN A. AVERY,

Defendant-Appellant.

**MOTION TO STRIKE IMPROPER REPLY IN
VIOLATION OF WIS. STAT. § (RULE) 809.14**

The State of Wisconsin, by Assistant Attorney General Lisa E.F. Kumfer and pursuant to Wis. Stat. § (Rule) 809.14, moves to strike Avery's improperly-filed reply to the State's response opposing his motion for another remand.

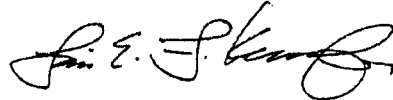
Wisconsin Stat. § (Rule) 809.14 does not authorize replies to motion responses. A party seeking to file such a reply can do so only with leave from this Court. *See, e.g., State v. Quackenbush*, 2005 WI App 2, ¶ 16, 278 Wis. 2d 611, 692

N.W.2d 340 (noting that the rules of appellate procedure authorize motions and responses under Wis. Stat. § (Rule) 809.14); *see also Bilda v. County of Milwaukee*, 2006 WI App 57, ¶ 20 n.7, 292 Wis. 2d 212, 713 N.W.2d 661 (recognizing that parties must seek permission from this Court for filings not provided for by the rules of appellate procedure). Avery did not seek this Court's permission to file a reply.

Dated this 27th day of April 2021.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin



LISA E.F. KUMFER
Assistant Attorney General
State Bar #1099788

Attorneys for Plaintiff-Respondent

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WISCONSIN COURT OF APPEALS
CERTIFICATE OF MAILING

FILED

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CLERK OF COURT OF APPEALS
OF WISCONSIN

Re: *State of Wisconsin v. Steven A. Avery*
Case No. 2017AP2288
District II

I hereby certify that on April 27, 2021, the **Motion to Strike Improper Reply in Violation of Wis. Stat. § (Rule) 809.14** was hand delivered to the Clerk of the Wisconsin Court of Appeals on behalf of the plaintiff-respondent.

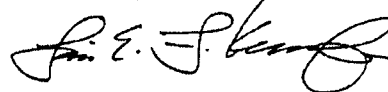
I hereby certify that a copy of the motion will be mailed by United States Postal Service to counsel for the defendant-appellant:

Kathleen Zellner
Zellner Law Office
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Steven G. Richards
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PO Box 8
Casco, WI 54205-0008

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin



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