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AV-Precminent Rating

February 11, 2019

RECEIVED

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

FEB 11 2019
CLERK OF COURT OF APPEALS
OF WISCONSIN

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

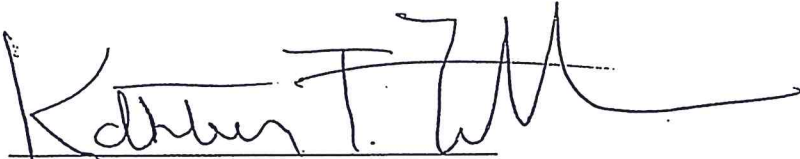
Dear Justices:

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 black ink, appearing to read "Kathleen T. Zellner", written over a horizontal line. The signature is stylized with a large initial 'K' and a long horizontal stroke extending to the right.

Kathleen T. Zellner

A handwritten signature in black ink, appearing to read "Steven G. Richards", written over a horizontal line. The signature is stylized with a large initial 'S' and a long horizontal stroke extending to the right.

Steven G. Richards

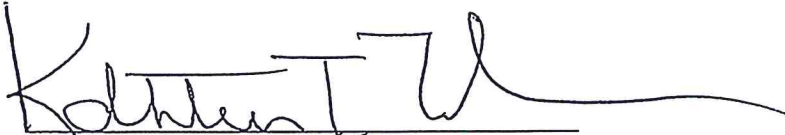
CERTIFICATE OF SERVICE

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. Kumfer
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


Kathleen T. Zellner

65-0157-955 RDR

EVIDENCE/PROPERTY/CUSTODY DOCUMENT Galumet County Sheriff's Department 206 Court St., Chilton, WI 53014-1188		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>		Address:	
<input type="checkbox"/> Other		City, State, Zip	Phone:
Address From Where Obtained: <u>Galumet S.O.</u>		Reason Obtained: <u>EVAL AS EVID -</u>	Time/Date Obtained: <u>4/15/06</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 SLIPED</u> Location Found: <u>FROM ITEM # 8658</u>	<u>1139</u>	
2	7410	Description: <u>DEBBY PIA</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 FRAGMENTS</u> Location Found: <u>FROM ITEM # 8687</u>	<u>1556</u>	
11	7419	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 # 8651</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 OR CUSTODY
1-27	4-11-06	Signature: <u>[Signature]</u> Name, Title: <u>D.P. Rick Riordan 932</u>	Signature: <u>[Signature]</u> Name, Title: <u>932</u>	RECOVERED THEN PROCESSING
1-27	4-11-06	Signature: <u>[Signature]</u> Name, Title: <u>Deputy Rick Riordan 932</u>	Signature: <u>[Signature]</u> Name, Title: <u>TERRY HAWKINS/E.C.</u>	TURNED OVER REVIA LISSOPHAN
3-8 10-16 18-27	04-24-06	Signature: <u>[Signature]</u> Name, Title: <u>TERRY HAWKINS/E.C.</u>	Signature: <u>mailed to</u> Name, Title: <u>DANE CO CORONER'S OFFICE</u>	DANE CO CORONER'S OFFICE

EVIDENCE/PROPERTY CUSTODY DOCUMENT Calumet County Sheriff's Department 206 Court St., Oshkosh WI 53074-1198	INCIDENT #	Page: <u>1</u>
	CITATION #	of: <u>3</u>

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 (include model, serial number, condition and any other marks or scratches)	Time Collected:	Disp:
14	7422	Description: SUSPECTED NON-HUMAN BONE FRAGMENTS Location Found: FROM ITEM # 8662	1720	
15	7423	Description: NON-HUMAN BONE FRAGMENTS Location Found: FROM ITEM # 8657	1733	
16	7424	Description: BONE FRAGMENTS Location Found: FROM ITEM # 8657	1730	
17	7425	Description: BONES FROM Location Found: FROM SIFTING OF ITEM # 8480.	0845 4/11/06	
18	7426	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8698.	1020 4/11/06	
19	7427	Description: BONE FRAGMENTS 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: BONES FRAGMENTS Location Found: FROM SIFTING OF ITEM # 7963	1140 4/11/06	
22	7430	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8686	1142 4/11/06.	
23	7431	Description: BONE FRAGMENTS. Location Found: FROM SIFTING OF ITEM # 8659.	1226 4/11/06	
24	7432	Description: BONE FRAGMENTS Location Found: FROM SIFTING OF ITEM # 8696	1313 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.	1351 4/11/06	

ITEM # NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OR 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: John J. Vysoky	Signature: <i>Jeremy Hawkins</i> Name, Title: Jeremy Hawkins / ECT	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: Jeremy Hawkins / ECT	Signature: <i>M. L. ...</i> Name, Title: M. L. ...	Test Court
3, 4, 5, 6, 8 11, 12, 13 14, 18, 26	02/21/07	Signature: <i>M. L. ...</i> Name, Title: M. L. ...	Signature: <i>Jeremy Hawkins</i> Name, Title: Jeremy Hawkins / ECT	TOT Evidence Custodian
3, 4, 5, 8 11, 12, 13 18, 26	09/20/11	Signature: <i>Jeremy Hawkins</i> Name, Title: J. Hawkins / E.M.	Signature: <i>M. Wolf</i> Name, Title: Sgt M. Wolf	
		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 _____
 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 _____

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.




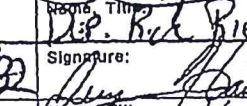

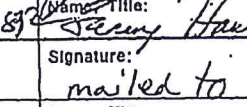
Printed Name _____ Signature _____ Date _____ Printed Name _____ Signature _____ Date _____

05-0167-955 RDR

EVIDENCE/PROPERTY CUSTODY DOCUMENT		INCIDENT # 05-955-157	Page: 1
Dallam County Sheriff's Department		CITATION #	of: 3

Name and Title of Person From Whom Received: [] Owner DR. P. PERSONNEZ [] Other	Address:
City, State, Zip	Phone:
Address From Where Obtained: Palmer S.O.	Reason Obtained: Evil As Evid -
	Time/Date Obtained: 4/10/06

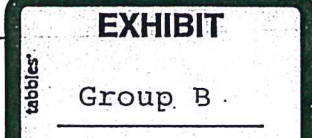
ITEM NUMBER	PROPERTY TAG NUMBER	DESCRIPTION OF ARTICLES (include model/serial number, condition, and unusual markings or scratches)	TIME COLLECTED	DISP.
1	7409	Description: 2 CLASS SLIDES Location Found: From Item # 8658	1139	
2	7410	Description: BOBBY Pin Location Found: From # 8658	1140	
3	7411	Description: POSSIBLE BONE FRAGMENTS Location Found: From # 8658	1151	
4	7412	Description: POSSIBLE BONE FRAGMENTS Location Found: From # 8658	1155	
5	7413	Description: NON-HUMAN BONE FRACS Location Found: From # 8653	1421	
6	7414	Description: BONE FRAGMENTS Location Found: From # 8653	1422	
7	7415	Description: SUSPECTED NON-HUMAN BONES Location Found: From Item # 8652	1504	
8	7416	Description: SUSPECTED HUMAN BONE FRACS Location Found: From Item # 8652	1502	
9	7417	Description: RED CONGULATED SUBSTANCE, CHARR'D Location Found: From # 8663	1534	
10	7418	Description: SUSPECTED NON-HUMAN BONE FRAGMENTS Location Found: From Item # 8687	1556	
11	7419	Description: SUSPECTED HUMAN BONE BONE FRAGMENTS Location Found: From Item # 8687	1556	
12	7420	Description: SUSPECTED CHARR'D ITEM RESEMBLING BONE Location Found: From Item # 8654	1623	
13	7421	Description: UNIDENTIFIED SUSPECTED BONE Location Found: From Item # 8661	1707	

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-27	4-11-06	Signature: 	Signature: 	RECOVERED THEN PROCESSING
1-27	4-11-06	Signature: 	Signature: 	TURNED OVER TO EVIA CUSTODIAN
3-8 10-16 18-27	04-24-06	Signature: 	Signature: 	Dane Co. Coroner's Office

40IN19 3/03

LOCATION: **Palmer S.O.**

LEDGER NUMBER: **06-96**



STATE_1_6991

CHAIN OF CUSTODY (Continued)

ITEM NUMBER	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF 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:	

Item #	Date	Name	Address	Relationship

RETURN TO FINAL DISPOSAL AUTHORITY

ITEMS _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING
 Name, Address _____ If/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 _____

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 (include model, serial number, condition, and unusual marks or scratches)	TIME COLLECTED	DISP.
14	7422	Description: SUSPECTED NON-HUMAN BONE FRAGMENTS Location Found: FROM ITEM # 8662	1720	
15	7423	Description: NON-HUMAN BONE FRAGMENTS Location Found: FROM ITEM # 8657	1738	
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	1220 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	1142 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 # 8698	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 OF CHANGE OF CUSTODY
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		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:	
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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:	

FINAL DISPOSAL ACTION

Item #	Date	Name	Address	Relationship

FINAL DISPOSAL AUTHORITY

ITEMS _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING
 Name, Address _____ (If items
 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 _____

EVIDENCE PROPERTY CUSTODY DOCUMENT Illinois State Police Department 726 Collins St., Joliet, IL 60438	INCIDENT #	Page: <u>3</u> of: <u>6</u>
	CITATION #	

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 ARTICLE	TIME COLLECTED	DISP
27	7435	Description: <u>BONE FRAGMENTS</u> Location Found: <u>FROM SECTION OF ITEM # 8635</u>	Time Collected: <u>1405 4-11-06</u>	Disp:
		Description:	Time Collected:	Disp:
		Description:	Time Collected:	Disp:
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		Description:	Time Collected:	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:	

40IN19 3/03 LOCATION: _____ LEDGER NUMBER: 06-86

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 AUTHORITY

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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WITNESS TO DESTRUCTION OF EVIDENCE

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