

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

State of Wisconsin)
)
Respondent.)
)
 v.) Case No. 05 CF 381
)
 STEVEN A. AVERY, SR.,)
)
Petitioner.)

**MOTION FOR LEAVE TO FILE AN ADDITIONAL AFFIDAVIT AND
 AMENDMENT TO MR. AVERY’S CURRENT MOTION WHICH IS PENDING
 PURSUANT TO WIS. STAT. § 974.06 AND § 805.15**

PLEASE TAKE NOTICE that the Petitioner, Steven A. Avery (“Mr. Avery”), by and through his current postconviction attorneys, Kathleen T. Zellner and Associates, P.C. and Steven G. Richards, respectfully moves this Court for leave to file the attached affidavit and amendment to Mr. Avery’s current motion which is pending pursuant to Wis. Stat. § 974.06 AND § 805.15 and in support thereof states as follows:

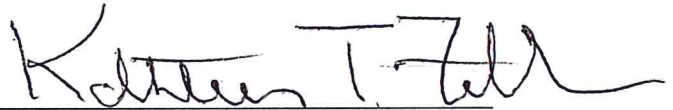
1. Current counsel became aware of a witness, Thomas Buresh, on or about May 10, 2023.
2. Mr. Buresh, who was present in Manitowoc County in 2005, has provided an affidavit as to his observations of Teresa Halbachs RAV4 and the occupants of the RAV4 on Friday night November 4th, or early Saturday morning November 5th, 2005.
3. Mr. Buresh’s observations and identification of Bobby Dassey driving the RAV4 corroborates the previously submitted affidavit of Thomas Sowinski that Bobby Dassey was in possession of Ms. Halbach's vehicle after her disappearance. [Affidavit of Thomas Buresh is attached and incorporated herein as “Exhibit A”].

4. Mr. Avery seeks leave to amend his pending motion, paragraph 20, with the additional words;

“Mr. Thomas Buresh corroborates the previously filed affidavit of Thomas Sowinski that Bobby Dassey was driving the RAV4 vehicle of Teresa Halbach on Friday night, November 4th or early Saturday morning after her disappearance on October 31st, 2005.”

5. Therefore, Mr. Avery moves this court for leave to file the attached affidavit, “Exhibit A” to Mr. Avery’s current pending motion pursuant to Wis. Stat. § 974.06 AND § 805.15 and to amend his pending motion.

Respectfully Submitted,



KATHLEEN T. ZELLNER

Admitted Pro Hac Vice

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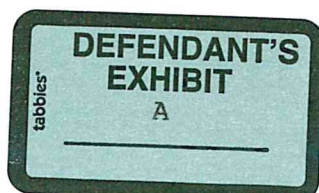
STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

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

AFFIDAVIT OF TOM BURESH

Now comes your affiant, Tom Buresh, 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. In 2005 I was employed as an independent self-employed repossession agent, not for any specific company.
3. On late Friday night November 4th or early Saturday morning November 5th, sometime before 2:00 AM, I was driving a tow truck looking to repossess a vehicle in Larrabee, Wisconsin, in the area of Highway 147 and County Road Q in Manitowoc County.
4. I noticed a vehicle in the Park N Ride on Highways 147 and 43 that had just struck a deer and had a broken headlight. I gave the driver a roll of duct tape to repair the car.
5. After that, I was driving down Highway 147 and made a wrong turn to go south on County Road Q. After I realized my mistake, I turned around and was heading back North.



6. As I was heading back North, I noticed a RAV4 driving South on County Road Q. The RAV4 turned left off on County Road Q after it passed me.
7. I noticed the RAV4 because it was unusual to see any other cars out on the road at that time of night.
8. My tow truck had bright headlights that would illuminate the oncoming RAV4 so that I could see the occupants, which I observed as the RAV4 passed me.
9. I had with me a helper named Mike (I do not know his last name) in my tow truck that night who also noticed the RAV4. Mike is now deceased.
10. In the fall of 2006 and 2007 when I was watching the news about the Avery trial, I noticed Bobby Dassey and recognized him as the driver I saw that night in 2005.
11. In November 2006, I was in jail on a domestic charge in Brown County Wisconsin, and again in February 2007 for bail jumping. During the time I was incarcerated, I told a Brown County detective that I had information about the Halbach murder but was ignored and told that I was 'already in enough trouble' and to 'shut up'.
12. I could not recognize or identify the passenger in the RAV4 but I am 100% sure it was not Steven Avery.
13. In 2017 or 2018 I told my brother, Ron, about my observation of the RAV4 back in 2005.
14. I do not know any of the Avery or Dassey family members personally, but I may have dropped towed vehicles at the Avery Salvage Yard on a few occasions.
15. I believe I have encountered Steven Avery on one occasion at a local McDonald's but did not converse with him.
16. I do not know Mike Osmunson.
17. Nothing has been promised or given to me in exchange for this affidavit.

FURTHER AFFIANT SAYETH NAUGHT

Tom Buresh
Tom Buresh

State of Wisconsin
County of Milwaukee

Subscribed and sworn before me
this 24th day of May, ~~2021~~ 2023

ELYZABETH BENITEZ RIVERA
Notary Public
State of Wisconsin

Elyzabeth Benitez Rivera
Notary Public

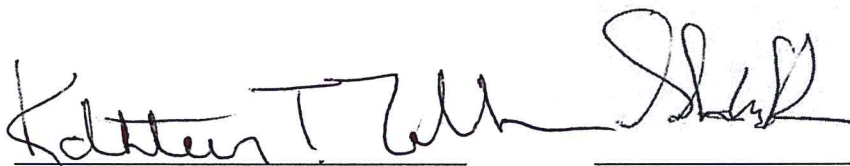
My Commission Expires:
12/07/2026

CERTIFICATE OF SERVICE

I certify that on May 26th, 2023, a true and correct copy of **MOTION FOR LEAVE TO FILE AN ADDITIONAL AFFIDAVIT TO MR. AVERY'S CURRENT MOTION WHICH IS PENDING PURSUANT TO §974.06 AND §805.15** was furnished via electronic mail and by Federal Express, postage prepaid to:

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Honorable Judge Angela W. Sutkiewicz
Circuit Court Judge
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