

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 3

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 06-CF-88  
Judge: Jerome Fox

MANITOWOC COUNTY  
STATE OF WISCONSIN  
**FILED**

MAR 29 2007

BRENDAN R. DASSEY,

Defendant.

CLERK OF CIRCUIT COURT

STATE'S MOTION IN LIMINE SERIES I

PLEASE TAKE NOTICE that the State of Wisconsin, by Special Prosecutors Kenneth R. Kratz, Thomas J. Fallon, and Norman A. Gahn, will move the court on April 5, 2007, at 9:00 a.m., or as soon thereafter as counsel may be heard for the following orders:

**I. MOTION TO PRECLUDE THIRD PARTY LIABILITY EVIDENCE**

The State of Wisconsin will move the court for an order precluding third party liability evidence.

As a basis for said motion, the state relies on Wis. Stat. §§ 904.01, 904.03; *State v. Scheidell*, 227 Wis. 2d 285, 595 N.W.2d 661 (1999); and *State v. Denny*, 120 Wis. 2d 614, 357 N.W. 2d 12 (Ct. App. 1984). If the defense intends to introduce evidence that someone other than Steven A. Avery participated in the offenses for which Brendan R.

Dassey is now charged, the state requests an offer of proof and the opportunity to respond with further written argument.

**II. MOTION TO PRECLUDE EVIDENCE THAT THE MANITOWOC COUNTY SHERIFF'S DEPARTMENT OR ANY OTHER LAW ENFORCEMENT AGENCY PLANTED EVIDENCE TO FRAME STEVEN AVERY.**

Such evidence includes, but is not limited to:

- a. The existence of a blood vial and the argument that it is the possible source of Steven Avery's blood in Teresa Halbach's SUV;
- b. The Toyota key found in the residence of Steven Avery;
- c. The bullet found in Steven Avery's garage containing the DNA of Teresa Halbach that was recovered pursuant to a search warrant executed on March 1 and 2, 2006. This warrant was granted and executed based on information provided by the defendant, Brendan R. Dassey.
- d. Lastly, the state would move to preclude evidence that someone other than Brendan Dassey or Steven Avery moved the cremains of Teresa Halbach either to or from the burn pit, to or from the burn barrel behind Brendan R. Dassey's residence, or to or from any other location.

As grounds therefore and in support of this motion, the state relies on Wis. Stats. §§ 904.01, 940.03, and *State v. Richardson*, 210 Wis. 2d 694, 563 N.W.2d 899 (1997).

Evidence concerning any attempted frame up of Steven Avery is entirely irrelevant and immaterial to the guilt of Brendan R. Dassey. Such evidence fails to meet the admissibility standard of *State v. Richardson* and is therefore clearly irrelevant. If

relevant, the probative value is outweighed by its prejudicial effect. § 904.03 stats. Again, should the defense wish to introduce this evidence, the state requests a written offer of proof and the opportunity to respond with written argument.

**III. MOTION TO PRECLUDE EVIDENCE OF POLICE OR INVESTIGATIVE BIAS AGAINST STEVEN AVERY**

Evidence of police or investigative bias against Steven Avery, and more particularly, that Lt. James Lenk, Sgt. Andrew Colborn, or Det. Dave Remiker evidenced any bias against Steven Avery, is entirely irrelevant and immaterial to the guilt of Brendan R. Dassey.

As grounds therefore and in support of this motion, the state relies on Wis. Stats. §§ 904.01 and 904.03. Similarly, if the defense wishes to introduce evidence of particularized investigative bias by Officers Lenk, Colborn, and Remiker, or generalized bias on the part of law enforcement agents against Steven Avery, the state demands a written offer of proof and the opportunity to respond in writing.

**IV. MOTION TO PRECLUDE EVIDENCE OF ANY LAWSUIT FILED BY STEVEN AVERY AGAINST MANITOWOC COUNTY**

Evidence of any lawsuit, civil rights or otherwise, filed by Steven Avery against Manitowoc County is irrelevant and immaterial to the guilt of Brendan R. Dassey.

As grounds therefore and in support of this motion, the state relies on Wis. Stats. §§ 904.01 and 904.03. If the defense wishes to introduce evidence of this civil lawsuit, the state demands an offer of proof and the opportunity to respond with written argument.

Dated this 27<sup>th</sup> day of March, 2007.

Respectfully submitted,



KENNETH R. KRATZ  
District Attorney and Special Prosecutor  
State Bar #1013996

THOMAS J. FALLON,  
Assistant Attorney General and  
Special Prosecutor  
State Bar No. 1007736

NORMAN A. GAHN  
Assistant District Attorney and  
Special Prosecutor  
State Bar No. 1003025

Attorneys for Plaintiff

Calumet County Courthouse  
206 Court Street  
Chilton, WI 53014-1127  
Telephone: [REDACTED]  
Fax: [REDACTED]