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WISCONSIN COURT OF APPEALS
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P.O. BOX 1688
MADISON, WIS. 53701-1688
DISTRICT 2

RECEIVED
JAN 11 2016
CLERK OF COURT OF APPEALS
OF WISCONSIN

State of Wisconsin,
Plaintiff-Respondent,

V.

Appeal No.2015AP002489

Steven A. Avery,
Defendant-Appellant,

808.07 RELIEF PENDING APPEAL GRANT AN INJUNCTION REQUEST
TELECONFERENCE CALLS.

In case Number 05-CF-381 The true controversy was never tried. Was the First Warrant Valid ? Avery states that stated on 11-18-2005 in Averys 809.075. and § 809.31 (1)(2) 3 (a)(b) (c) Warrant dated November 5th-2005 was a Warrant less Search and not decided on by Judge Angela Sutkiewicz, sine this Warrant has Multiple Property's and state law and statute clearly has stated limitations on a Search Warrant, Such as 1 Property NOT Multiple Property's this Warrant is clearly a Warrantless Search or could clearly be stated that Evidence Seized or used at trial is clearly "FRUIT OF THE POISONOUS TREE", illegally obtained evidence. The Affidavit was Based on clearly Falsified, Misleading information.

808.07.(2) Authority of a court to Grant Relief Pending Appeal, 1. the Stay, Execution or Enforcement of a Judgment or ORDER (dated November 19th 2015) Memorandum Decision and Order. To stay Proceeding is Necessary in the intrest of Justice. Avery has Suffered the May or Loss of Due Process And Constitutionally Guaranteed Rights as a Citizen the stay Execution or Enforcement of a Judgment or Order til Further Proceedings are held in the Wisconsin Court of Appeals to DETERMINE THE VALIDITY OF THE FIRST SEARCH WARRANT ONCE THIS

DETERMINATION IS MADE FURTHER PROCEEDING MOTIONS WRITS ETC WILL
BE FORTH COMING THE STAY IS NECESSARY IN THE INTERSTS OF JUSTICE.

Avery is waiting the out come of BOND Under 809.31. this was
ignored by Judge Angela W. Sutkiewicz, as well , Avery Request
a Ruling on this also.

CC 1 Original and 2 Copies in in side.

EXHIBITS 31 THROUGH 44 SEARCH WARRANT AND AFFIDAVIT.

Steven Avery # 122987
Waupun Corr. Inst.
P.O. BOX 351
Waupun, Wis. 53963

Signed

Steven Avery

Date

1-7-2016

CC:

Wisconsin of Appeals

Gregory M. Weber, A.A.G.

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Steven A. Avery,
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Rebuttal from Hon. Angela W. Sutkiewicz, Memorandum Decision
and Order November 19th 2015,
808.075. (CORRECTION) Permitted court actions PENDING APPEAL
(NOT 809.075)

The Hon. Angela W. Sutkiewicz, Made several Misleading and
Deceptive (Deceptive Practices) Comments in Judge Angela Sutkiewicz,
Memorandum Decision and order dated November 19th 2015 Enclosed.
Avery will break down each issue, which then will lead this court
to conclude that Avery suffered Both the Major loss of Due Process
Guaranteed in Both Constitutions. The Judge Angela Sutkiewicz,
Inartfully Circomnavigated Around irrefutable, Uncontrovertible
Evidence in Averys Favour that both refutes and rebukes the
Memorandum Decision and Order the Exhibits are Documents
Ranging From Exhibits and Pages From Trial Transcripts and
Appeal transcripts see state of Wisconsin Court of Appeals
District II Case # 2010AP411-CR dated this 21st. day of June 2010.
1st. currently at issue is the Lawyer Client privilege "issue "
Currently be fore the Wisconsin Supreme Court, Office of Lawyer
Regulation Due to Deceptive Practices (With a S to Signify Several
Untruthful Statements made by Attorney Thomas Aquino Whom Never
thoroughly investigated Avery's Allegations by not Conducting a
thorough investigation, and ignoring Avery's Multiple Requests
for the Attorney to Contact EX Employees not Employee as

He did only one EX-employee. and one Employee see Exhibit 6
Enclosed that Judge Angela Sutkiewicz, Ordered a Attorney
Assigned to this issue. Avery was Appalled to Learn on 21st.
September 2015 in a itemized Bill Submitted be Thomas Aquino
that Thomas Aquino, NEVER INTERVIEWED But 1 EX-Employee! the
Judge ordered Thomas Aquino, to investigate NOT Circumnavigate
and ignore Averys LIST EXHIBIT 6 Anyone Knows Fully well
that a Persons Social Security Number can be given to the Social
Security Administration and through the Post Office (change of
Address) And IRS to Locate these Prospective Witnesses was this
FRAUD upon the Court? or FRAUD upon Avery? or Both these
EX-Employees could very well be prospective whistle Blowers
invaluable in Averys Pursuit of JUSTICE and truth. Thomas Aquino
inartfully circumnavigated around Major issues a list of names
given by Avery of Both Ex-Employees (which Avery stated to Thomas
Aquino to concentrate on) And Secondary NOT Primary but Secondary
the Employees at the JAIL. Ex-Employees would not be inhibited in
talking about what was Really happening in the Jail versus
current Employees Limited and Prohibited to protect their Jobs.
Employees are prohibited by S.I.M.P.s Security internal Manage
ment Procedures which dictate what a employee [STATE/Local] Jail
Employees can or cannot talk about.S.I.M.P.S. DOE'S NOT COVER
EX-EMPLOYEES.

Avery Request a injunction under § 813.02(1)(a) Stay of Case #
05-CF-381 EXHIBIT F/G/H OFFICE OF LAWYER REGULATION COMPLAINT
MADE BY Avery on Thomas Aquino Currently under investigation.
Page 3 of the Memorandum Decision and Order are Decieving and
Misleading Legal Arguement, Legal Opinion the Hon. Angela
Sutkiewicz, was given a Brief by Avery Requesting a hearing
itemized Bill on the Validity of the Fictitious and Fraudulent.
The state has been Bilked \$500.00 dollars and Avery to pay
\$ 3,500.00 for services, Investigation that never happened,
services unrendered. Only 2 JAIL Officials were ever Contacted
out of a List of 20 See Exhibit, List given to Thomas
Aquino.

Avery states on Page 4 unless Avery can show a sufficient reason why those issues were not raised;... Avery states if not for the ineffective Assistance of all 6 Trial and Appellate COUNSELS. Avery would have been a FREE MAN, Especially on his \$974.02 Post Conviction Motion).

Page 5 needs to be Scrutinized more Closely, Again the AFFIDAVIT is Faulty in its Construction so then is the WARRANT.

Avery was never given his copy after Appeal and Discovered this on September 21st. 2011, So there for could not be included upon Direct Appeal under \$974.02 stat. Averys Family Retrieved From the Court House the AFFIDAVITS AND WARRANT'S AND THE DEEDS OF THE PROPERTY OWNER'S ONLY. TOO FIND THEM FAULTY IN CONSTRUCTION CONTRARY TO STATE LAW ONLY ONCE AT WAUPUN PRISON WAS AVERY AWARE OF THE WARRANT'S FAULTY MISLEADING CONSTRUCTION.

Ineffective Assistance of trial and Appellate Counsels. See Motion for Relief Pursuant to Wi. stat \$974.06 dated Submitted the 10th. day of February 2013, Case # 05-CF-381.

On Page 7 of the Judge Angela W. Sutkiewicz, Memorandum Decision and Order dated Nov. 19th. 2015, is both a Amateurish and Deceptive Attempt (DECEPTIVE PRACTICES) to cover up Material, Relevant Facts crucial to the states case Against Avery See Page 7 NO Evidence From the victims Car was used against the defendant during his trial.

There are numerous Examples and Reference's as to Evidence Blood and DNA obtained from Victims car in Avery's \$974.02 stat Post Conviction Motion Case #2010 AP411 CR dated this 21st. day of June 2010. Contrary to statements made (on Page 7) Of Judge Angela Sutkiewicz, Memorandum Decision and Order of Nov. 19th. 2015 If Victims Vehicle was SEALED WITH TAMPER PROOF, (As Averys CAR WAS SEALED WITH EVIDENCE TAPE IT WOULD BE MORE LIKELY THAN NOT EVIDENCE BLOOD, ETC COULD NOT BE PLACED IN VICTIMS VEHICLE. WHY ALSO WAS THE VEHICLE MOVED IN THE PITCH BLACK OF NIGHT, When Forensics were done with vehicle during Daylight hours, Why wait til darkness when vehicle was Discovered at 11:10 AM Nov. 5th. 2005 WITHOUT SECURITY TAPE! Avery's CAR/VEHICLE WAS TAPED

Prior to being moved impounded not the victims Car. Avery Admits now that this should have been brought up at Pre Trial Discovery (Motion to Suppress) And was not. So ineffective Assistance of trial counsel and ineffective Assistance of Appellate counsel Resulted Picture's of Exhibits of victims car used at trial and blood found inside victims car were used at trial contrary to Judge Angela W. Sutkiewicz,..Statement Page 7 of memo and order dated 19th. Nov. 2015, In Avery's Final Argument Page 10 Which is accurately Documented in Wisconsin Court of Appeals District II Appeal dated June 21st. 2010 Juror C.W. Made Repeated Remarks that Avery was FUCKING GUILTY SEE PAGE 6 Case # 2010 AP 411-CR and also Post Conviction Motion 05-CF-381 Evidentiary Hearing Requested dated February 10th. 2013 State Stat§974.06 Post conviction Motion see Page 3. This tainted the other JURORS THROUGH DIRECT OR INDIRECT IN FLUENCE. C.W. MADE REPEATED, NUMEROUS, "HE IS FUCKING GUILTY" AS WELL AS TELLING OTHER JURORS IF YOU CANT HANDLE IT WHY DONT YOU TELL THEM AND JUST LEAVE (Id at 16,34) JUROR C.W. HAD PRECONCIEVED GUILT OF AVERY. This deprived Avery of a impartial Jury trial Due to Juror C.W. Statements were made in Jury Room, Restaurant, Motel. This had (a) Substantial and injurious (impact) Effect and influence in Dertermining the Jury's Verdict. this also caused a disparate impact upon Avery, and deprived Avery of a impartial Jury and Trial or caused a disparate impact on the Verdict.is this also called a disparity in justice Due to (Also in) Violations of Fundamental Fairness. Avery states that the Possibility that Both prongs of strickland have been met the United States Supreme Court has Required Satisfaction of both the Performance and Prejudice prongs to sustain an Ineffective Assistance of Counsel Claim. Intimidation of the Jurors (of actual Juror Bias) Requires [A] NEW TRIAL without need to determine effect of Bias on Verdict because error CANNOT be harmless and thus not subjected to [THE] Harmless error test. This is ERROR APPARENT.

Avery Convictions CANNOT STAND BECAUSE THE COURT HAD NO AUTHORITY TO SUBSTITUTE AN ALTERNATE JUROR ONCE DELIBERATIONS HAD BEGUN.

"SUBSTITUTION OF THE ALTERNATE IS NOT PERMITTED BY THE GOVERNING STATUTE" § 972.10.(7).

When the during deliberations Start it ALTERNATE IS NOT A JUROR UNDER § 972.10.(7). SHALL determine by lot which JURORS SHALL NOT PARTICIPATE IN DELIBERATIONS AND DISCHARGE THEM (shall is a MANDATORY LANGUAGE) to declare a MISTRIAL in the interest of Justice on INEFFECTIVE ASSISTANCE OF COUNSEL.

§ 972.10.(7) ORDER OF TRIAL

(7) If additional Jurors have been Selected Under S.

§ 972.04.(1) and the number remains more than required at final Submission of the Cause, the Court SHALL determine by lot which JURORS SHALL NOT PARTICIPATE IN DELIBERATIONS AND DISCHARGE THEM. (AND NOT SELECTIVELY JUST BECAUSE THE JUROR WOULD NOT FIND AVERY GUILTY).

RELIEF SOUGHT

BOND PENDING APPEAL UNDER :

§ 808.075. PERMITTED COURT ACTIONS PENDING APPEAL

§ 808.075. (g)(1). IN A CRIMINAL CASE :

§ 809.31. RELEASE ON BOND PENDING SEEKING POST CONVICTION
RELIEF.

REQUEST RULING OR HEARING ON ISSUE OF VALIDITY OF FIRST WARRANT
(IGNORED) REVIEW DENIED BY HON. ANGELA W. SUTKIEWICZ, ON 19th.
DAY OF NOV. 2015, HOW CAN THE STATE HAVE MULTIPLE PROPERTY'S
CONTRARY TO STATUTE ON FIRST WARRANT WHEN THESE PROPERTY'S ARE
SEPERATELY OWNED PROPERTY'S ! 1 WARRANT 1 PROPERTY.

STAY OF HON. ANGELA W. SUTKIEWICZ, OF CASE # 05-CF-381 UNDER
§ 813.02(1)(a) .

I STEVEN AVERY SWEAR UNDER THE PENALTY OF PERJURY THAT THESE
6 PAGES ARE TRUE AND ACCURATE.

Steven Avery # 122987
Waupun Corr. Inst.
P.O. BOX 351
Waupun, Wis. 53963

Signed Steven Avery

CC:
Wisconsin of Appeals

Date 1-7-2016

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809.31. RELEASE ON BOND PENDING SEEKING POSTCONVICTION
RELIEF.

809.14. MOTIONS
RECONSIDERATION 809.14. (2)

809.31. SEE BRIEF ENCLOSED DATE,
809.14.(2) A Party adversely affected by a procedural order entered without having had the Opportunity to respond to the Motion may move for reconsideration of the ORDER (dated November 19th 2015 by the Court Hon. Angela W. Sutkiewicz, Sheboygan County Circuit Court Case # 05-CF-381 on the Hon. Angela W. Sutkiewicz, Sheboygan County Circuit Court Memorandum Decision and Order dated November 19th 2015, Case # 05-CF-381 some Mis interpretations were done as far as Page 16. No mention of 809.31. RELEASE ON BOND SO THE FOR, 809.14 (2) RECONSIDERATION and hearing is REQUESTED PROMPTLY. JURISDICTION IS NOW GOING FORTH IN THE WISCONSIN COURT OF APPEALS DIST. 4. RECONSIDERATION IS WITHIN THIS JURISDICTION. ALL MOTIONS AND WRITS WERE TIMELY FILED IN THIS COURT.

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CC: Wisconsin of Appeals

Gregory M. Weber, A.A.G.

Name

Steven Avery

Date

1-7-2016